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ABSTRACT

This book is designed to provide school administrators and labor leaders with ideas about how to improve school district labor relations by incorporating the principles of Total Quality Management (TQM). In schools that apply the principles of Total Quality Education (TQE)--that is TQM as it modified to school practice--labor and management can agree to disagree while still maintaining a positive atmosphere of trust and mutual respect. Chapter 1 presents a brief history of U.S. teachers and their early associations. Chapter 2 focuses on the problems caused by industrial-style teacher unions and develops a rationale for abandoning adversarial union-management relations. The third chapter examines W. Edwards Deming's "14 points for management," which form the basis for the transformation of an organization into one that embraces the principles of TQM. Each of the points is related to the educational setting and school district labor relations. The collective bargaining aspects of labor relations are examined in chapter 4, which discusses the various conflicts and concordances, harmonies and dissonances, to determine whether collaborative bargaining is a vehicle or barrier to reform. Chapters 5-7 deal with the transformation from industrial unions to professional unions and changes that must be made as educators embrace the concepts of TQM. Chapter 5 focuses on the drift toward professional unionism, and chapter 6 delivers some practical advice for launching a new quality labor relationship in a school district. Chapter 7 is focused on the policy trust agreement. Key terms and references accompany each chapter. A total of 5 exhibits, 9 tables, and 1 figure are included. (LMI)

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The authors dedicate this series to the memory of W. Edwards Deming, 1900-1993

Teacher Unions and TQE

Building Quality Labor Relations

William A. Streshly
Todd A. DeMitchell

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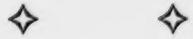

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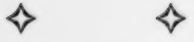

Foreword

Strikes, work slowdowns, and demeaning battles between teacher unions and school boards hinder rather than enhance education for the youth of the United States. With few exceptions, relationships between boards and unions are adversarial. Strikes and other less serious conflicts between boards and unions are never over the quality of education. Instead, they emanate from a "win what I want for myself, at any cost" mentality. Trust between unions and boards is nearly absent in many school districts. Some boards and unions have developed a "you scratch my back, I'll scratch yours" relationship, through which teachers and boards win and children lose.

School board members, superintendents, and union leaders have found a gem in *Teacher Unions and TQE: Building Quality Labor Relations*. This book, written for practitioners, offers discussion of the most salient research and theory on the topic. It provides key historical concepts, necessary tools, crucial knowledge, and important strategies for transforming the current status of labor relations into one characterized by trust, openness, and fair play, with the focus on *students*.

Professors Streshly and DeMitchell have practiced the strategies found in this book. They offer the wisdom of their 35 years in school administration, including 20 years as highly successful superintendents in four districts ranging in size from 350 to 16,500 students. They have "walked their talk" about labor relations and, in doing so, have achieved high-quality educational programs. Possibly the most successful illustration of the practices presented in this book is Professor Streshly's work as superintendent of the San Marcos

Unified School District in San Marcos, California. When he took over as superintendent, the district was saddled with poor labor relations and financial bankruptcy. Within 2 years, the budget was in the black, labor relations were healthy, mutual trust and respect were evident, and, even more important, students were learning more. Dr. Streshly did this with a new win/win bargaining strategy featuring innovations such as "kitchen cabinets." The traditional style of industrial labor relations was thrown out.

The authors are also frequent contributors to the professional literature. Professor DeMitchell has published extensively on topics dealing with collective bargaining and school law. Professor Streshly is the author of *Avoiding Legal Hassles* and numerous articles on school board governance and contract negotiations, among other topics.

When you read this book you will quickly sense that the authors have been there and, more important, that this book can be a valuable resource guide for establishing high-quality labor relations in your district.

Larry E. Frase
San Diego State University

Preface

The purpose of this book is to provide busy school administrators and labor leaders with some ideas about how to improve school district labor relations by incorporating the principles of Total Quality Management (TQM). As authors of this book, we did not intend to develop a textbook on either labor relations or quality management. Rather, we have developed an executive summary of the best research and theories on the topics, combined with the advice of experienced practitioners.

We provide references at the end of each chapter for readers who wish to pursue any of the topics raised in greater depth. We cite only the most prominent research, and we discuss only the most workable and effective practices. In this book we suggest new alternatives and strategies for experienced, well-trained administrators and labor leaders interested in improving labor relations and helping districts and associations become quality-oriented organizations. The book will also serve as an orientation to the novice who wants a clear look at the big picture before jumping into the labor relations arena.

The book is both comprehensive and brief. It is comprehensive because in it we cover virtually every aspect of Total Quality Management as it relates to labor relations. Moreover, we thoroughly explore the subject of labor unions in education, including a brief history. The book is brief because we summarize the issues, problems, and suggested solutions, emphasizing only the most important concepts.

Although the book has been reviewed favorably by teacher union leaders, we aim the discussion at school administrators and board members. We are experienced school administrators who have a combined 35 years of administrative experience. Our experience includes administration at all grade levels and virtually all positions, from vice principal to superintendent. Consequently, we present our discussions of employer-employee relations from the practitioner's perspective.

Chapter 1 presents a quick but necessary history of American teachers and their early associations. In it, we explain how we as educators got where we are and help administrators and union leaders understand some of the historical baggage we carry.

In Chapter 2 we focus on the problems caused by industrial-style teacher unions and develop a rationale for abandoning adversarial union-management relations.

In Chapter 3 we examine carefully W. Edwards Deming's "14 points for management," which form the basis for the transformation of an organization embracing the principles of quality management. We discuss each of the points as it relates to the educational setting and school district labor relations.

In Chapter 4 we examine the collective bargaining aspects of labor relations. We discuss the various conflicts and concordances, harmonies and dissonances, to determine whether collective bargaining is a vehicle or a barrier for reform.

In Chapters 5, 6, and 7 we deal with the transformation from industrial unions to professional unions and the changes that must be made as educators embrace the concepts of TQM. Chapter 5 is devoted to the drift toward professional unionism, and Chapter 6 delivers some practical advice on launching a new quality labor relationship in a school district. Chapter 7 is focused on the policy trust agreement.

The Planning and Troubleshooting Guide provides an outline of critical labor relations problems and refers readers to pages in the book where solutions can be found.

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We extend our special gratitude and appreciation to Jerry Franklin and John Vitulli, two outstanding union leaders from the San Marcos (California) Unified School District, who criticized the early drafts of this book. We also extend our appreciation to Mary Hopper, negotiator for the San Diego (California) City Schools, for her helpful advice.

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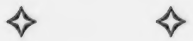

About the Authors

William A. Streshly is Associate Professor of Educational Administration at San Diego State University. He has 25 years of experience in public school administration, including more than 13 years as district superintendent. He has published articles on character education, staff development, curriculum development, competency testing, school finance, school reform, and school labor relations. He is also the coauthor of a popular and practical book on school law titled *Avoiding Legal Hassles.* He has served as a speaker and/or consultant for more than 30 state and national conferences, school districts, and professional organizations, in addition to scores of speaking engagements for community service clubs, chambers of commerce, alumni clubs, and political groups. He has been active in the leadership of numerous community/civic organizations and has served as an educational adviser to county, state, and federal officials.

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director of personnel and labor relations, and superintendent. While working in the public schools of California, he was the spokesman at the bargaining table for 6 years in two different districts. He writes a regular column titled "The Legal Department" for the *International Journal of Educational Reform* and has published more than two dozen articles on school law, collective bargaining, and policy analysis.

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Teachers and Their Early Associations: How We Got Where We Are

Reform is once again afoot in our nation's schools. It has taken many guises recently: restructuring, empowerment, site-based management, and choice, to name a few. One such reform that has great promise is Total Quality Education (TQE), which has its roots in the innovations of Total Quality Management (TQM). TQE differs from the other efforts in that it is an interrelated, interdependent philosophy. It involves all people and all activities in the educational system; it does not occur just in a school or a department. It is not a program with discrete components. Rather, it is "a new way of thinking and living that pervades all aspects of life" (Bonstingl, 1992, p. 30). TQE and TQM represent a paradigm shift that transforms the heart and soul of an organization's methods and purposes of operation.

Standing at the crossroads of a school's methods and purpose of operation are the classroom teachers. It is chiefly through their efforts that the goals of education are achieved or thwarted. A paradigm shift of the magnitude proposed by TQE must have an impact on working conditions and the terms of employment for teachers. Naturally, anything that affects the terms and working conditions of teachers must be bargained with the local professional associations (unions) in those school districts that have collective bargaining

agreements. Given that 34 states have public employee collective bargaining laws and 9 additional states have consultation/meet-and-confer laws or have been granted the discretion to bargain or consult, professional associations will of necessity play a large part in any effort to restructure schools by instituting TQE.

As early as 1975, 90% of school districts across the country with more than 1,000 students had collective bargaining agreements with their teachers (Kerchner & Mitchell, 1988). Given the high probability of the intersection of TQE and union representation in the majority of school districts, a crucial question is raised: Will unions and collective bargaining be forced to change in order to institute TQE in our nation's schools? We say yes. Teacher unions must become new professional associations. Their current idea about who their clients are must expand. Teacher unions will have to "accept responsibility for more than their own employment interests" (Bradley, 1993). The exclusiveness of unions must change to accommodate the inclusiveness of an expanded concept of client.

Before we can explore how unions can become new professional associations, accepting quality for themselves and the larger educational institution, we must first understand how the teacher associations assumed their current form. By understanding how we got to the present, we can better equip ourselves for a future of our own making. A major weakness in the current governance structure is a failure to understand and appreciate its antecedents. We will take a quick look at how we arrived at the present.

The Schoolmaster and the Rise of Bureaucracy

Our nation's first teachers were family members. As the colonial society grew, the role of education expanded. Of particular importance to education's movement away from a primarily family obligation to a societal responsibility were the Puritans of the Massachusetts Bay Colony. They strove to create a "city upon a hill": a well-ordered, religious society that would serve as a model for all who would win God's approval. Based in concern about the neglect of parents in the training of their children, the Massachusetts Law of

1642 called for an investigation of the ability of children to read and understand the principles of religion and the laws of society (Spring, 1990). Five years later, the Old Deluder Satan Law passed, requiring communities to establish and support schools. The purpose of these schools was to protect Protestant orthodoxy, and thus maintain the power of the established leadership and ensure social stability.

The teachers or schoolmasters for these schools were a hodgepodge assortment of individuals. Many were women (dame schools) with little if any formal education who instructed young children in their kitchens or parlors. Often a man would serve as a schoolmaster until better employment opportunities presented themselves. Teachers were not held in high esteem and were not well trained. Typically, itinerant schoolmasters were portrayed as drunken and ignorant (Kaestle, 1983). There were no licensing or professional standards that had to be met. Teachers generally taught in isolation from other teachers and did not band together as many craft guilds did for mutual protection of their common interests. The colonial teachers served at the pleasure of whoever was employing them. They depended on the continued pleasure of the parents of the students who paid their fees.

After the American Revolution and the War of 1812, the view of the role of education changed. Many Americans believed that a public system of education was needed to shape good citizens, in order to build and strengthen nascent nationalism.

During the early part of the 19th century, most Americans lived in dispersed farm communities or very small towns. The great majority of people lived in places with fewer than 25,000 inhabitants. The typical school was the district school, "organized and controlled by a small locality and financed by some combination of property taxes, fuel contributions, tuition payments, and state aid" (Kaestle, 1983, p. 13). These one-room schools would often hold 60 or 70 students for 6 hours a day. The school reflected the community; it was the focus for people's lives outside of the home. The community members had little doubt that the school was theirs to control. Consequently, the degree of control that was exercised over the lives of teachers was pervasive. Teachers were dictated to in the classroom and scrutinized outside of it. Because many teachers "boarded round" at the houses of pupils' parents, the pressure on

teachers to conform to the folkways of the community was great. As Tyack (1974) notes, "With no bureaucracy to serve as a buffer between himself and the patrons, with little sense of being part of a professional establishment, the teacher found himself subordinated to the community" (p. 19).

These unbureaucratized, unprofessional, inexpensive, locally dominated district schools became the target of reformers in the middle of the 19th century. This reform movement, called the common school movement, sought to bring the schools under state control, teaching a common body of knowledge in a common schoolhouse to students from different social and economic backgrounds. The drive was to standardize and centralize the schools. In order to do this, the reformers wanted to replace the village forms of governance in which laymen participated in decentralized decision making with the new bureaucratic model in which "directives flowed from the top down, reports emanated from the bottom, and each step of the educational process was carefully prescribed by professional educators" (Tyack, 1974, p. 40).

The Feminization of Teaching

Because male teachers were mainly itinerant, a stable, but cheap, workforce was needed to educate the greatly expanded numbers of children who would fill the nation's classrooms as a result of the common school crusade. As men left teaching altogether or escaped to the higher rungs of the growing educational bureaucracy, a void was left in the classroom. This void was filled by women, who were just starting to emerge from the household. The feminization of teaching, particularly elementary school teaching, came about not only because women could be hired more cheaply than men, but also because society ascribed to women a more virtuous nature than that ascribed to men. "Deportment, moral character, social obedience, domestic virtue, and firm habits were virtues in teaching, whereas over exertion in academic subjects was sometimes actually frowned upon" (Murphy, 1990, p. 12). Women, society believed, possessed the needed characteristics for teaching, whereas the men of that time were stuck with logic and reasoning abilities that were

not needed in the elementary classroom but were of use in administering the educational system.

Now that the reins of control were firmly placed in the male hands of the professional educators at the top of the bureaucracy, the next step was to bolster the status of teachers. The common school reformers sought longer terms of employment, higher pay, improved training, improved hiring procedures, and more communication through professional journals and associations. Teachers were now starting to band together to further the profession and their common interests.

The Early Associations

In 1857, 10 state teacher associations met, with the objective of upgrading teaching to a profession, elevating it above an ordinary vocation. The assembled group called the new organization the National Teachers' Association. Years later, when it merged with the National Association of School Superintendents, the two organizations took the name National Education Association (NEA). At first, the teachers, even though they constituted the majority, had difficulty gaining power within the NEA; a classroom teacher was not elected president of that body until 1928. Through 1945, only three classroom teachers had served as president. The NEA was an association dominated by superintendents and college professors. Control of policy and control of the occupation of education rested firmly in the hands of administrators. This signature of administration domination would remain etched on the parchment of the NEA through the 1960s, as it fended off competition from the American Federation of Teachers (AFT) and came to grips with collective bargaining and its attendant union bread-and-butter issues.

From 1917 to 1920, NEA membership increased from 8,000 to 50,000. The campaign to attract new members was built around improving teacher salaries, gaining greater support for the schools, and securing greater participation of teachers in the administration of the schools. Ironically, as teacher membership increased, what power teachers did have was virtually eliminated for almost 50 years by a reorganization of the association. Prior to NEA reorganization

in 1920, the association's conventions were conducted much as New England town meetings, with each member in attendance allowed one vote. Thus, wherever the convention was held, the teachers of that city could attend en masse and outvote other delegations. This was important because the leadership of the NEA, made up primarily of administrators and college professors, wanted to move to a representative form of governance in which each state association would elect delegates to the convention, thus breaking the hold of teachers.

Prior to 1920, activists could pack the convention with local teachers. These tactics were defeated when the convention was held in Salt Lake City, Utah. "In a conservative state like Utah, teachers listened to their administrators and bowed to their authority. At the convention, teachers voted in town-meeting style to eliminate that voting format in favor of voting for delegates" (Spring, 1990, p. 272). The NEA became dominated by administrators, with little power left over for teachers. An example of the impact of this shift is provided by Urban (1982, p. 127), who notes that of the 167 voting delegates from Illinois in the 1920s, 135 were administrators or college professors, and of the remaining 32 delegates, only 14 were elementary school teachers. This increased tension between teachers and school administrators lasted until the 1970s, when the NEA transformed itself into a militant teachers' union.

The Rise of the AFT

She was the daughter of a stonecutter, and she started working at age 16. Later in her life she would be given the sobriquet "fiend in petticoats" by the president of Harvard University. Her teaching career began in rural schools, but the twin magnets of higher salary and further education soon drew her to Chicago, where she taught sixth grade at the South Side Hendricks School. Her name was Margaret Haley. She was the more colorful, flamboyant part of the team.

The other team member, Catharine Goggin, was the strategist who alternately unleashed and reined in Margaret Haley. Goggin was one of five daughters, three of whom were schoolteachers. She

was considered to be generous, often helping destitute teachers make it through difficult times. Together, Goggin and Haley were a formidable pair who worked tirelessly for the benefit of classroom teachers.

Haley and Goggin were instrumental in the formation of the Chicago Teachers' Federation (CTF), the forerunner of the American Federation of Teachers. The CTF was organized in 1897 with three major goals: to protect teacher pensions, to gain a pay raise (the maximum salary, which had been in effect for 20 years, was $825 a year), and to make the administration of the Chicago schools more democratic. Another rallying point was a reaction to the invasion of scientific management by administration conservatives, which engendered a feeling of powerlessness on the part of teachers. This union movement clashed with the views held by a coalition of progressive reformers, school administrators, and business leaders. These elites believed that the inherent pursuit of self-interests of a union conflicted with the selfless ideology of professionalism espoused by the reformers. For example, in 1898, the *Chicago Times-Herald* commented in an editorial that the impetus for the formation of the Chicago Teachers' Federation sprang from a "spirit not credible to the high standards of the profession" (quoted in Kerchner & Mitchell, 1988, p. 56).

From its beginnings, the CTF signaled an ideological break with the larger NEA. It was founded by elementary school classroom teachers, from which it drew its leadership, and hence it was primarily a women's union. In 1902, the CTF formed a fateful alliance that would remain one of its characteristic distinctions from the NEA to the present day—it affiliated with the Chicago Federation of Labor. This move won it the enmity of the Chicago Board of Education as well as the NEA.

The CTF's early successes involved support for a number of social welfare causes, including the successful passage of the Illinois Child Labor Law of 1903. It also successfully litigated a case against several prominent Chicago companies, such as People's Gas, Light, and Coke Company, the Chicago Telephone Company, and the Edison Electric Light Company, who had failed to pay taxes due on their capital stock and franchises. The companies were ordered to pay nearly $600,000 in back taxes (Cresswell & Murphy, 1980). The

Chicago Board of Education was anything but grateful for the union's efforts to fill the board's coffers. The board voted not to expend any of those funds on teacher salaries, and it carried its disapproval of the union further by voting in 1905 to condemn the CTF's affiliation with organized labor. In spite of this, the membership of the CTF grew. In 1915, the board upped the ante by requiring all teachers to sign a yellow-dog contract—a contract requiring employees to sign an instrument agreeing as a condition of employment that they will not join a union and that they understand they will be discharged if they do so. The yellow-dog contract in Chicago was called the Loeb Rule. Jack Loeb, the president of the Chicago Board of Education, told stories throughout Chicago of innocent schoolteachers who were captured by the union and forced to conform to the dominance of the women leaders in the CTF. These teachers, Loeb argued, were contemptuous and rebellious toward those in authority. The attack by the board was not only against unionism but also against female trade-union leadership. In 1916, 35 teachers, most of them CTF members, were dismissed under the Loeb Rule. In April 1917, the Illinois Supreme Court held that the school board had the power to require that all teachers not belong to an organization affiliated with organized labor. Haley quickly reorganized her union, breaking her powerful ties with the Chicago Federation of Labor. The CTF was reduced to a women's club, and it never regained its former strength.

This was not the only battle the CTF was waging at the time. In 1895, Nicholas Murray Butler took the helm of the NEA. He brought to the association a sense that teaching was a service akin to a religious vocation. He wedded this vision of commitment to a modern notion of professionalism that encompassed educational training and scientific inquiry. The first clash between Butler and the CTF took place at the July 1899 convention, which was held in Los Angeles.

A group of 800 teachers from Chicago boarded a train hired by the CTF bound for the summer convention in Los Angeles. The CTF had decided to launch its campaign to organize a national teachers' federation at the annual NEA meeting, because that provided the greatest concentration of teachers. The CTF did not receive a warm reception from the NEA leadership. The elements in control of the

NEA labeled the Chicago teachers "revolutionists." A coalition of high school and college teachers took a critical stance toward the CTF. The attack reached a crescendo when Butler prepared a report from the Resolutions Committee deliberations and delivered it during the last general session. Butler's report condemned the CTF for using political influence and protecting incompetents—a charge against teacher unions that would recur over the decades from various quarters. Butler called the Chicago teachers "insurrectionists" and "union labor grade teachers," whose "pernicious activities were offensive to the teaching profession" (quoted in Murphy, 1990, p. 54). The new national teachers' organization was officially censured before it even got organized.

Rebuffed by the NEA and outmaneuvered legally by the Chicago Board of Education, the CTF lost its voice for speaking out on matters of concern to teachers. The path that the CTF was clearing was soon used by a new entity after the CTF was reorganized. In April 1916, representatives from four unions met in South Chicago to organize a national federation of teachers. This new union, the American Federation of Teachers, turned away from Margaret Haley and elected Charles Stillman of the Chicago Federation of Men Teachers as its first president. In choosing Stillman, members remarked that they needed strong leadership in times of crisis, insinuating that male leadership would provide greater strength. With this election, the union became primarily a high school teachers' union. Growth of AFT locals in the elementary schools up to World War II was minimal.

The Legacy

Two important strands of discord identified the major differences between the AFT and the NEA: the role of administrators in the organization and the definition of professionalism. The AFT, from its inception, was a teachers' union. It was organized by teachers, the membership was composed of teachers, and, most important, the leadership came from classroom teachers. In contrast, the NEA was built around a strong administrator core. The early leadership of the NEA in large part came from individuals who held such

positions as superintendent and college president or college professor. Into the 1960s, more than 85% of NEA members were classroom teachers, but school superintendents and district supervisors maintained their positions of prominence. This caused problems for the NEA when teachers moved from meet-and-confer strategies to full-scale collective bargaining. How could administrators be members of the same association as teachers, push for a common national agenda, but sit across the table from them as adversaries in collective bargaining? This hurt recruiting drives for the NEA and eventually led to a slow shift away from administrator dominance until its presence was no longer felt. The NEA in the 1960s and 1970s was forced to become as much of a union as the AFT if it was to survive.

The second area of friction was the concept of professionalism. The NEA advocated the selfless image of the devoted public servant. In 1958, Theodore Martin, the NEA director of membership, proclaimed just prior to the advent of collective bargaining:

> Unionism lowers the ideals of teaching, by emphasizing the selfish, though necessary economic needs of teachers—salary, hours, tenure, retirement—unionism misses altogether the finer ideals of teaching and the rich compensations that do not appear in the salary envelopes. (quoted in Kerchner & Mitchell, 1988, p. 57)

Character was a term that was applied to descriptions of teachers in NEA literature. When collective bargaining marched across the educational landscape, the NEA thought that it would destroy professionalism and would erode the teacher's status in the community. In contrast, the AFT embraced collective bargaining, arguing that teachers would gain respect because their salaries would finally be commensurate with their preparation.

Collective Bargaining: The Great Leveler

As Koppich (1993) notes, "Prior to collective bargaining, teachers did not speak for themselves, they were spoken for. Salaries, hours

TABLE 1.1. Membership of the NEA and AFT, by Decades

Year	*NEA Membership*	*AFT Membership*
1857[a]	43	
1870	170	
1880	354	
1890	5,474	
1900	2,322	
1910	6,909	
1916[a]		1,500
1920	22,850	10,000
1930	216,188	7,000
1940	203,429	30,000
1950	453,797	41,000
1960	713,994	59,000
1970	1,100,000	205,000
1980	1,650,000	550,000
1985	1,700,000	600,000
1990[b]	1,850,000	750,000

SOURCE: Ornstein, Allan C. and David U. Levine, *Foundations of Education*, Fifth Edition. Copyright © 1993 by Houghton Mifflin Company. Used with permission.
a. The year the organization was founded.
b. Estimated membership.

of employment, class sizes, and assignment and transfer procedures were set by school boards and enforced by administrators" (p. 2). This changed in 1959, when Wisconsin passed the first collective bargaining law for public employees. Three years later, President Kennedy issued Executive Order 10988, which gave federal employees the right to organize and bargain collectively. In that same year, but three months later, 20,000 teachers, in violation of New York's Taylor Law, struck the New York public school system over a pay raise, free lunch periods, check-off for union dues, and 147 other items (Murphy, 1990). Education in the United States was changed forever.

The NEA's first response to the 1962 teachers' strike was to denounce it as unprofessional. In keeping with its long-held view of professionalism, the NEA promoted the idea of the imposition of

sanctions against recalcitrant states and school districts who refused to negotiate or respond to demands for higher salaries, rather than striking. This was not effective. The AFT and the NEA became locked in a struggle for representation of our nation's teachers.

In a 5-year period in the early 1960s, the NEA won 26 elections and the AFT won 14, but the NEA gained only 21,000 members, whereas the AFT gained 74,000 members. The NEA's long-cherished concept of professionalism was being seriously challenged. Teachers wanted higher salaries and better benefits, not necessarily a higher standard of respect. The NEA had to change its tactics and philosophy. It came to look and act more like the AFT. In the 1970s, it became common for the NEA to be referred to as a union rather than as an association.

The AFT and the NEA, through the process of collective bargaining and the reaction to it, have been forced to redefine professionalism. They have also had to debate with each other and within themselves the issue of responsibility. Who are teachers and education accountable to—themselves as a profession or the larger society?

Key Terms and Concepts

Bread-and-butter issues. The issues of greatest importance to a worker that the union can secure through collective bargaining. Typical bread-and-butter issues are wages, benefits, retirement, hours of employment, and other conditions of employment.

Collective bargaining. A legal process in which a school district's negotiating team and the union's negotiating team bargain in good faith for the purpose of executing a binding written agreement reached during the negotiating process.

Meet-and-confer. An informal meeting in which management and employees discuss salary and working conditions. The results of the meeting are not binding and may not be reduced to writing. Meet-and-confer is a phase in employer-employee relations that preceded the legally required process of good-faith collective bargaining. The Winton Act in California in the 1960s is an example of meet-and-confer.

Taylor Law. A labor relations law in New York that penalizes striking teachers.

Yellow-dog contract. A management device wherein the employee must sign an agreement stipulating that he or she will not join a union under penalty of immediate dismissal. This type of contract was called a yellow-dog contract because, as the story goes, only a yellow dog would sign such a loathsome document.

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✧ 2 ✧

Moving Toward Quality: Closing the Gap Between School Districts and Unions

A recent article in *Forbes* magazine noted that the rise of teacher unions in U.S. public schools has coincided with cost escalation and quality deterioration (Brimlow & Spencer, 1993). Although the author claimed no cause-and-effect relationship, the data strike a responsive chord among many parents and educators who are increasingly convinced that teacher unions and their questionable tactics are responsible for the shabby condition of our public school systems and the declining prestige of the teaching profession. Unionization of taxpayer-supported enterprises has always been viewed skeptically by many students of economics and government. Allowing public servants to withhold essential services in order to gain leverage at the bargaining table is unacceptable in the eyes of many citizens. Even labor union champions such as Franklin D. Roosevelt, whose administration sponsored the National Labor Relations Act, and AFL-CIO president George Meany felt that unions in the public sector would lead to unacceptable abuse. Today's union-fomented school district turmoil, coupled with the rapidly declining performance of schools and escalating per pupil expenditure, suggests that Roosevelt and Meany were right. However, we believe that collective bargaining may eventually be good for education, and even the tumultuous clashes between school district leaders and the unions may eventually foster more sophisticated organizational dynamics.

How can unionization in education support a transition to quality management? Even though the highly touted principles of TQM driving the Japanese industrial juggernaut were invented in the United States, American school systems will not benefit until school boards cease viewing teachers as hired help and school district managers begin viewing teachers as equal partners in the education enterprise and actually *apply* TQM principles. In the long run, this is what collective bargaining can accomplish: a progression from a master-servant chain of command to a democratic organization. Like a child who first accepts his father's protection and domination, then rebels, then assumes his position as a full partner in the family, teacher unions can achieve for their members the prerequisite equality of status necessary for a higher-functioning organization to emerge. Depending upon the individuals involved, the progression from infancy to adulthood can be filled with conflict and violence or it can be relatively peaceful. But regardless of the nature of the transition, a mature labor-management relationship will not materialize without substantial changes in attitudes among leaders of unions as well as school districts.

The Transition to Quality

Ken Parker (1984), a leading teacher union bargaining specialist who has been through many years of serious labor strife in New York and California, describes the progression of labor relations from infancy to adulthood as a continuum (see Table 2.1). The continuum begins with *paternalism.* Teachers and other school staff members enjoy a "father-son" relationship with administrators and supervisors, who provide for all employee needs and regulate employee conduct. The relationship is based on the authority of the administration and is totally conditioned upon the goodwill of individual administrators.

After 1961, when many states instituted collective bargaining plans for teachers, the relationship between teachers and administrators in numerous districts changed radically to *enemy.* This phase of the continuum, which still exists in many "adolescent" districts in the nation, is characterized by a reluctance on the part of school

TABLE 2.1. Continuum of Employer-Employee Relationships

Relationship	*Significant Characteristics*
Paternalism	On the surface there is a good relationship between parties; the superintendent provides for all employee needs and regulates employee conduct; the relationship is based on the authority of the superintendent and is totally conditioned upon his or her goodwill; all the power rests with one person.
Enemy	There is hostility toward the other party, a refusal to recognize its existence; the relationship is characterized by continuous challenges and threats to the other party.
Adversary	There is a strong resistance to the other party, an arm's-length relationship with minimum acceptance and very strong defense, support and maintenance of positions, proposals, and so on; either party could accept destruction of the other but would not seek it; some element of challenge to the other party still exists.
Advocacy	There is an acceptance of the other party; both parties are respectful of the rights of the other but employ strong defense, support, and maintenance of their own positions, proposals, and so on; both parties are nonchallenging or nonthreatening to the other party.
Collaboration	There is strong *mutual* acceptance of the other party, and the dominant approach is that of problem solving; the relationship is nonthreatening or nonchallenging; there is a willingness to submerge an advocacy relationship to gain broad objectives beneficial to *both* parties rather than just one.

district leaders to recognize the legitimate existence of unions, and by incessant threats and challenges made by union officials. In time, the enemy phase becomes a less hostile *adversary,* maintaining strong resistance and an arm's-length relationship. However, in the

adversary phase district leaders accept the legitimate existence of the union, and union leaders concede that district leaders need room to administer programs effectively.

The adversary phase of the continuum mellows eventually to *advocacy*. The district accepts the union and respects its rights and roles. Union leaders support and maintain their positions and proposals but do not challenge or threaten the district's leadership. This phase of the continuum represents a mature, workable arrangement that allows a traditional line-and-staff, master-servant type organization to function effectively with minimal abuse of employees by administrators. It represents the furthest point to which a labor-management relationship can advance without major mutual concessions by the leadership of both factions.

The final point on the continuum is *collaboration*. To achieve this ideal, the union must be willing to submerge the advocacy relationship to gain broad objectives beneficial to both the employees and the district. Likewise, the district must be willing to give up part of its authority to the employees who are accomplishing the mission of the school system. When this relationship is achieved, district operations are characterized by organizational mechanisms designed to solve problems. Problem solving then becomes the standard operating procedure for all matters of mutual concern to the district and its unions. Simply stated, the stage is set for TQE.

The trick is to move the district and its unions through the continuum as quickly as possible. This requires extraordinary skill and commitment by leaders on both sides of the table. It also requires a major campaign by the leadership working in partnership to educate the stakeholders on both sides. How do you convince a board and/or a teacher association that adversarial labor relations are a losing proposition? It is not easy, but experience has produced six very compelling reasons, each of which is discussed below.

Six Reasons to Abandon Industrial-Style Labor Negotiations

Reason 1: Traditional industrial-style, adversarial labor negotiations between a teachers union and a school board seriously injure the district's

community relations. The credibility of the school district's administration is shaken by labor turmoil, and respect for the teaching faculty is lowered. This stems from the fundamental difference between public sector and private sector unions. The union's primary weapon is political, not economic, power. Consequently, teacher leaders must put political pressure on the school board and administration in order to gain an advantage at the bargaining table. This means "stirring up" the teachers and parents in the district by proclaiming the district to be "mismanaged" and accusing board members and administrators of wasting taxpayers' dollars on unimportant priorities. Most of this, of course, is usually untrue, but it "rallies the troops" and dismays the public. In this political battle for the minds of the voters, the district must counter by pointing out that teachers are already well paid, and, based on the number of days they work, are actually far better paid than most of the constituent taxpayers. This is also largely untrue, but it adds balance to the propaganda war.

Over the years, experienced school leaders have noticed that the community, ironically, believes both the union's attack rhetoric and the district's defense propaganda. After the smoke has cleared and the contract is settled, the community is more convinced than ever that its school district is governed by bungling, insensitive administrators, and that its classrooms are staffed with overpaid and underworked teachers. Convincing parents that their children are in competent hands becomes more and more difficult. In short, the process undermines the basis of community support upon which a successful public school system depends. It also drives an artificial wedge between certain school district employees, who by law must be designated "management," and the unit members, who by implication are relegated to worker status—hardly a desirable feature of a high-quality, collaborative 21st-century organization.

Reason 2: Formal industrial-style negotiations actually restrict and confuse communications in the organization. Although experienced negotiators would argue with the terminology, formal negotiations require dishonesty by both parties. For example, it is well established in National Labor Relations Board precedence that management cannot bring to the table a single "take-it-or-leave-it" offer. Ra[illegible]r,

both parties are required to "move." In other words, a school board that has determined that the cost-of-living and income protections warrant a 7% salary increase is advised to make a much smaller initial offer in order to leave room to move. Likewise, the teacher association, which does similar cost-of-living and income analyses, will arrive at a similar bottom-line figure, but must begin at a substantially higher position for the same reason.

The result is confusion, suspicion, and distrust. Teachers are confused and hurt when they hear that the school board is offering no cost-of-living raise whatsoever in spite of the fact that the state has announced a cost-of-living increase to the district. Conversely, board members and administrators are shocked at the teacher association's demands for an exorbitant salary increase with seemingly no regard for the enormous reduction in programs and student services that such an increase would require. The truth, of course, is that both sides are *lying*. It is a requirement of the process that is hardly conducive to the high levels of communication and collaboration characteristic of a high-quality organization.

In order to play the game properly, the association must regularly discredit the vision and direction of the district's leadership. Otherwise, it is difficult to convince the staff and community that the management's wastefulness and insensitivity is a periodic occurrence that coincidentally happens when the contract is being negotiated. Confounding communications in order to cause staff members to be suspicious about their leadership also helps the association maintain its traditional industrial role as job protector.

Reason 3: Teachers do not need an extensive contract to protect them. In Chapter 1 we discussed in detail the mixed record of school boards in dealing fairly and honestly with their teachers and staffs. However, by the end of World War II, most states had passed extensive laws that guaranteed teachers due process for disciplinary matters related to employment. Moreover, the state legislatures were becoming much more prescriptive about the working conditions of teachers and school employees. The states and the nation as a whole were beginning to realize that the continued position of the United States as a world leader demanded a guaranteed high-quality edu-

cation immune from the whims of local school boards. As a result, by the mid-1960s, when the militant unionization of public employees exploded following Kennedy's executive order, most of the protections that private sector unions had fought for over the years were already enacted in state law, preempting the need for extensive industrial-style labor contracts. In addition, the courts ran in tandem with students in protecting teachers. For example, the U.S. Supreme Court blunted the ability of school boards arbitrarily to dismiss teachers who incurred their displeasure. Since the 1960s, the high court has protected teachers' rights to free speech and association, and has defined the property and liberty interests of teachers that trigger due-process protections. These protections are guaranteed regardless of the existence of a negotiated contract.

Reason 4: The extended conflict within a school district caused by the industrial-type labor relations model denies school district employees the full satisfaction of the public education enterprise. The focus of the private sector model is on working conditions, meaning the number of hours worked, the number of minutes allotted for breaks, criteria for leaves, penalties for tardiness, and so on. The administrators and their negotiators claim to be preserving power for the elected school board; union bosses claim they are protecting the workers from the machinations of unscrupulous management. None of this promotes collaboration and joint efforts to accomplish mutually held goals. In fact, industrial union leaders of the "old school" counsel their local officers *not* to become involved in the governance of an organization. They reason that collaboration with management in governing the organization will compromise or "co-opt" them as effective advocates for and "protectors" of the workers.

In addition to their negative impact on employee job satisfaction, industrial-style adversarial negotiations can be physically and mentally unhealthy. Organizations involved in prolonged conflict have reported increases in strokes, heart attacks, ulcers, and nervous breakdowns, all coincidental to the increase in organizational stress related to the confrontational negotiations. One Southern California district noted a 50% increase in utilization of substitute teachers during the years when negotiations were bitter.

Reason 5: School boards tend to be the best employers in town if they are allowed to be so. School boards usually are composed of members who are more or less representative of the faction in the community most interested in children and education. If given a chance, they want to treat their employees fairly. However, they are also politicians, and they do not want to look stupid in the eyes of their constituents. When forced into a traditional negotiations mind-set, board members invariably feel that it is smarter to be hard-bargaining horse traders, in the finest Yankee tradition, than to join forces with the opposition to work out mutually acceptable plans. In stark contrast, these same board members will make "concessions" to employees without demanding the usual *quid pro quo* when the model is a collaborative one and the goal is to develop a higher-quality school system. For example, one board decided to allow teachers to take extended *paid* personal leave by paying for substitutes. Nothing was "demanded" in return. Board members simply were convinced that teachers given this professional latitude would not abuse it and that the result would be a more professional, more productive faculty—in other words, a higher-quality educational system would result. They were right, but to the board member steeped in the industrial-style bargaining traditions, such an agreement would appear to be pure lunacy.

Reason 6: In the long run, the staff will not make any more money through the industrial-style collective bargaining model. In the late 1950s and early 1960s, the advent of Sputnik further emphasized the necessity of world-class education, especially the necessity of attracting the best and brightest into teaching. Teacher salaries increased rapidly. The widespread unionization of teachers in the late 1960s had no apparent impact on the gradually rising wages. In 1992 dollars, wages for teachers actually declined during the decade of the 1970s, a time when teacher unions were reaching a peak of influence. In fact, only in the past several years have teachers achieved the same spending power they had 20 years ago (Brimlow & Spencer, 1993), this in spite of frantic union activity across the nation and enormous increases in union bureaucracies. The only impact teachers have felt on their wallets from all this activity has been significantly higher union dues.

Collaborative Labor Relations: A Precondition for Quality

Whether we call it *reform, restructuring, teacher empowerment,* or *total quality,* the message is the same: We must organize our schools to unleash the creativity and productivity of our teachers. This requires a system that deals with teachers as professionals, and it begins with collaborative employer-employee relationships. Employee unions constitute a major part of the education system. No reform effort can be successful if it ignores reform in labor relations.

High-quality organizations are those that promote the full potential of each constituent human being. This can be achieved only by enterprises that regard all roles and tasks as important and valuable, where all contributors are respected. This organizational ideal cannot be achieved through the traditional master-servant relationships typical among pre-World War II industrial organizations. Rather, the ideal is achieved by organizations that encourage all employees to dedicate themselves to continual enhancement of their organizations' missions. The prime examples of these in the world today are the successful Japanese industrial organizations, and the principles they employ are those advocated by American statistician W. Edwards Deming (1986). The Japanese industrial reformers, however, were not forced to contend with self-centered, hostile American-style unions and worker apathy toward quality. Today, American industries and labor unions are moving toward more effective labor relations, hoping to regain the competitive edge in world trade. Sadly, the collective bargaining model adopted by teachers when they entered the bargaining arena four decades ago was the one that seemed at that time to be working for the industrial unions. Like their industrial sector counterparts, modern school labor leaders are recognizing the need to build better labor-management relations. In Chapter 3 we will discuss how school labor leaders can collaborate with management to create school systems built on Deming's 14 points.

Key Terms and Concepts

Adversary. A relationship in the early stages of collective bargaining in which unions and administrators see themselves as engaged in combat with one another.

Advocacy. An advanced stage of collective bargaining in which the two sides respect and accept the rights and roles of the other and do not challenge or threaten each other's leadership.

American Federation of Labor-Congress of Industrial Organizations (AFL-CIO). The nation's largest private sector union.

Collaboration. A mature stage of collective bargaining in which the union submerges its advocacy role to gain broad objectives beneficial to both employees and the district. At the same time, the district relinquishes part of its authority to the employees.

Industrial-style collective bargaining. Positional collective bargaining that focuses primarily upon salary, benefits, and working conditions.

National Labor Relations Act (NLRA). The federal law that established a legal framework for private sector collective bargaining in 1935.

Paternalism. Relationship of school administration to teaching staff prior to collective bargaining. The relationship is based on the authority of the administration and is totally conditioned upon the goodwill of individual administrators.

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✧ 3 ✧

Applying Deming's 14 Points to School District Labor Relations

Educational reform in U.S. schools cannot be separated from labor reform. Excellence in school districts goes hand in hand with cooperative, collaborative staff relations throughout an organization from top to bottom (Murphey & Hallinger, 1990). The time has come for us to dedicate serious effort toward eliminating the hostilities among our tattered teams of teachers and administrators who are now faced with the reform challenge. We must not lose sight of the simple fact that quality in the school business comes down to teachers doing a good job in the classroom. This fact demands a labor relations program that will meet the dual goal of improving quality and productivity while increasing job satisfaction.

First and foremost, it must be recognized that teachers are managers, not workers. As Glasser (1990) points out, teachers "must manage better than all other managers if they are to succeed at all" (p. 430). The students are the workers, and student products are the measure of a school's quality. Second, teacher associations are partners in the management of school systems. The top officers of the associations must collaborate and cooperate with the school system's top operational managers, and vice versa. This may be a bitter pill for leaders in many of our strife-torn school systems, but it is a critical precondition for excellence. Quality is made by the top managers. As Deming (1989) points out, "The quality of the output of [an organization] cannot be better than the quality directed at the top"

(p. 10). The teachers in the school system at best can only carry out the programs and services framed and prescribed by the school board, the superintendent, and the top managers.

Educators across the nation are recognizing that school leaders and teacher association leaders must work together to achieve the quality that the American public demands. They realize increasingly that survival of the public schools probably depends upon the ability of these factions to join forces. Cooperation alone, however, will not reform the educational enterprise and create the quality and excellence demanded. Added to the mix must be strong leaders who know how organizations work and what motivates people. Increasingly, school managers are turning to the management philosophy embodied in W. Edwards Deming's (1986) "14 points for management."

Reforming Schools Using Deming's 14 Points

Adopting Deming's 14 points as a basis for reforming a school system, *including* its labor relations, requires a joint effort of union leaders and school leaders. This begins with a full understanding of the fundamentals by all the key players: the school board, the superintendent and administrators, the teacher association leaders, the teachers, and the public. Our purpose in this chapter is to discuss Deming's 14 points in transforming employer-employee relations in the context of a modern American school district with an active teacher union.

Applying the 14 Points to Union-Management Relations

Table 3.1 summarizes Deming's 14 points. Each of the points reinforces the focus of management on improvement of processes that create quality results. Conversely, the points discourage management by judgment of results. Another way of saying this is that Deming's philosophy constantly aims at the future, whereas traditional manage-

TABLE 3.1. Summary of Deming's 14 Points

1. Establish constancy of purpose toward long-range improvement.
2. Adopt the new philosophy and reject commonly accepted levels of delays or mistakes.
3. Improve input, cease dependence on mass inspection, and seek statistical evidence of quality.
4. End the practice of awarding business on the basis of price tag alone, and seek long-term overall efficiency.
5. Look for problems in the system.
6. Institute on-the-job training.
7. Institute leadership.
8. Drive out fear.
9. Break down barriers between departments.
10. Eliminate slogans, provide effective methods.
11. Eliminate work standards.
12. Remove barriers that rob people of pride of workmanship.
13. Institute vigorous programs of education and retraining.
14. Create management structures for constant improvement of knowledge and effectiveness.

ment philosophies scrutinize the present. The clear messages from the man who helped Japan attain its industrial prominence are that we must *focus ahead* and *continually improve*. We will now present Deming's 14 points, along with suggestions for school and association leaders to consider when planning organizational reform.

Point 1: Establish constancy of purpose toward long-range improvement. This point demands that the school district have a clear statement of its purpose, including plans and strategies for continual improvement. School and association leaders must begin their collaborative efforts by taking the following first steps:

- Jointly identify the mission of the district, its long-range goals.
- Identify common expectations based on the mission and goals.
- Jointly establish a program improvement council and network.
- Meet frequently to assess progress and to identify obstacles.
- Continuously reinvent curriculum and instruction.

Not surprisingly, the district's primary mission, curriculum and instruction, is at the heart of the school reform movement. Our communities are demanding that schools improve what they teach and how they teach it. Above all, *our union leaders must join with district administrators to emphasize continual improvement of curriculum and instruction.*

In a manner of speaking, curriculum development and staff development are synonymous with instructional leadership. Clear objectives improve staff performance. This function of management is often understated in terms of its importance, especially because a mistaken notion of employee autonomy and democratic management has led some to believe that management has become less important. Quite the contrary, as Deming would attest, it has become more important than ever, and it requires more skill. It also requires the collaboration of the whole staff and its unions.

This is not to say that staff members are required to invent the vision and goals. Certainly the school board plays a role here. Furthermore, the school site's approach to the overall mission should be the result of consultation with staff, parents, students, other professional leaders—the entire school community. Organizing this process is the job of the school administrators. As Chamley, McFarlane, Young, and Caprio (1992) assert, principals who utilize process consultation and inquiry skills are able to lead their staffs in diagnostic, prescriptive, and assessment strategies that represent a consensual level of agreement.

However, once agreement is reached, the administrators and union leaders must join hands to clarify the vision and to articulate the organization's purposes and values. The goal is to create a feeling of ownership of the decisions made affecting the school and to promote commitment to them. It is commitment to common values and purposes that binds the staff together and lays the foundation for a rich, effective school culture (Joyce, 1990).

Point 2: Adopt the new philosophy and reject commonly accepted levels of delays or mistakes. In education this means that administrators, teacher union leaders, and teachers must refuse to accept commonly held ideas that some staff and certain students cannot perform at

high levels. Jointly they must perfect the processes for identifying problems, their causes, and their solutions.

The key is a simple premise that people want to be productive and, if given the opportunity in a climate of trust, will eagerly and productively tackle their jobs. Consequently, school and teacher leaders must work closely and cooperatively to improve instructional delivery by doing the following:

- developing strategies to avoid student failure by allowing all students an opportunity to succeed
- establishing high achievement expectations for *all* students, with an emphasis on higher-order cognitive skills
- exploring ways to make more effective use of instructional time

Leaders must also concentrate on improving human interactions throughout the school organization:

- promoting cooperation throughout the organization, through cooperative learning activities among students, interdepartmental cooperation, and planning among staff
- embracing interest-based, win/win negotiations, such as those described in Chapter 7

During the past few years, U.S. automakers have begun to realize that this management philosophy is one of the keys to much-needed "reform" in their industry. After losing a substantial portion of their domestic market to the Japanese, the management as well as union leaders have finally recognized that the winning edge in manufacturing includes an emphasis on the quality of work and cooperative employee relations. Consequently, sweeping changes are being made that give employees a much greater role in the management of these companies. Problem-solving groups (patterned after the Deming approach used in Japan) and so-called self-managed work teams are revolutionizing factories by including social as well as technical considerations in plant design and operations. AFT president Al Shanker likes to compare today's public education with the auto industry 20 years ago. Must we educators

also lose our market before we pull up our socks and fight back? Not necessarily—the problem can be easily solved if the teacher associations, the local school boards, and the school administrators recognize the problem and join together to address it. We address how to do this more thoroughly in Chapters 6 and 7.

Point 3: Improve input, cease dependence on mass inspection, and seek statistical evidence of quality. The public school has little control over selection of its students, because all must be accepted. However, there are some inputs to the system that can be controlled. School and union leaders can put their heads together and come up with methods of assessing the quality of services and materials purchased by the district. Moreover, leaders can promote improvement of the system from the ground up by doing the following:

- Redefine and improve relationships with teachers and parents.
- Support and/or collaborate with preschool programs and child-care agencies to boost the readiness of school-age children.
- Develop means for collecting quality data that do not depend upon inspection.

In the school business, continuous feedback, evaluation, and diagnosis are essential. Program assessment has proven to be a powerful tool for improving the effectiveness of any system (Zammuto, 1982). In order to function as an integral part of a continuously improving, quality system, however, the feedback system must be designed to gather a variety of data to allow school leaders to evaluate the district's program continuously. In plain language, it must enable all people in the system to judge accurately how well the district is doing its job.

Again, a successful feedback system requires that school managers and teacher union leaders collaborate. Experience has shown that district assessment programs that are built around student testing systems often fail when they are not supported by classroom teachers. In truth, some traditional school administrators look upon testing as another means of teacher supervision or surveillance. This practice is destructive to the development of a high-quality school system.

In the long run, surveillance is not effective (Gabor, 1991). Rather, employees—including their association leaders—must internalize the quest for quality.

A study of statewide student assessment programs in Texas adds these powerful recommendations (Lutz & Middrala, 1987):

- Eliminate the practice of publicly reporting the ranking of school districts by test scores.
- Involve teachers in considering ways to improve the tests for all students.
- Use test scores as a means to improve teaching/learning.

A comprehensive school district feedback system typically employs several general types of measures to augment student test data. Most useful among these is the written survey, because it is usually inexpensive and easy to administer. Moreover, it can easily be designed to gather data concerning processes and services.

Once again, teacher association cooperation is essential to assure good support among all staff members. Teacher association counsel often will head off the possibility that an aspect of the data-gathering process is seen as a threatening check on teacher performance, rather than a helpful support system for the teachers' efforts. The most common data-gathering devices include the following:

- student surveys regarding program effectiveness, student aspirations and needs, and other demographic data
- graduate follow-up studies regarding training completed, jobs held, wages earned, current problems, and future plans
- parent and community surveys concerning perceptions, hopes, fears, and aspirations
- teacher/school climate surveys seeking information about staff satisfaction, school climate, and support requirements
- outside audits and reviews

Point 4: End the practice of awarding business on the basis of price tag alone, and seek long-term, overall efficiency. Deming advises businesses to cease awarding supplier contracts solely on the basis of price.

Instead, he advises investment in quality, for in the long run high quality produces lower cost. The parallel to this in public school management is the lamentable tradition of adopting the easiest, most politically expedient solutions to emerging problems. The worst example of this is the tendency for schools to create "add-ons" to address changing needs of students and changing social demands on schools. Ethical concerns about sexual behavior or alcohol abuse or any of the emerging social issues raised during the past 50 years have been shunted aside to be addressed as stand-alone programs, not fully accepted by school staffs as an important major mission of schools. The reason? It is far less expensive *in the short run* to develop a pullout program or a special instructional unit than it is to train and retool an entire staff to meet the new demand. The result: Schools continue to fall further behind, and deep schisms develop among staff members. Good examples of this are the special education programs serving students with various disabilities. Years ago, the public schools did not attempt to serve students with special needs related to disability. Instead, these students were kept at home or institutionalized or, in many cases, were dropped from school and sent into society with minimal preparation. Later, when schools began to accept responsibility for these students, the special programs developed as add-ons, apart from "regular" school. As a result, the mission of the schools was not altered, and teachers viewed special education students as someone else's problem. Even today it is not uncommon to hear regular classroom teachers refer to the disabled students of separate special education staff as "their kids." In spite of mainstreaming laws aimed at rectifying this organizational blunder, teachers still complain that special education students disrupt classes or need to be served elsewhere.

This phenomenon has special significance for the relationships between district and association leaders. Once the special groups have been established, whether they are pullout reading teachers or self-contained gifted teachers, they become special interest groups and must be reckoned with politically. It requires strong leadership and profound understanding of the long-range impact on quality to embrace this philosophical position. Full collaboration between school managers and association leaders is essential, especially in the following areas:

- All school leaders must promote schoolwide and districtwide program development processes.
- The staffs must be fully involved in the evaluation and selection of textbooks, equipment, and other resources based on *statistical evidence* of success.
- Association leaders must refocus the mission of the association on improving the long-term quality of the total system, resulting in an invaluable addition to the decision-making processes. The focus here is *ahead*, on the impact of students, rather than a traditional and shortsighted adversarial labor-relations approach. The question involves what is best for the whole school community down the road, rather than what is good for teachers here and now.
- School district administrators must recognize the managerial role of teachers and support their long-range management efforts. This task involves organizing staff to work creatively, autonomously, and collaboratively with other members of the staff to meet the recognized challenges and carry out the mission of the district. The task is not control or direction of the district's mission. Clearly, the task is to carry out the traditional middle-management role of helping production line managers (the teachers) do their jobs.
- Whenever possible, district leaders should bring association leaders into the decision-making arena, on councils, committees, and executive cabinets. Likewise, association leaders should bring district leaders into general meetings, representative councils, and executive councils. The idea is to break down the walls and shift the focus of energy from fear, suspicion, and protectionism to cooperation, trust, and progress.

Point 5: Look for problems in the system. The attitudes and perceptions of teachers about the part they play in decisions concerning district curriculum and testing, as well as their perceptions of relations between themselves and the administration, have profound implications for the development of a system that continually seeks out and addresses problems (Glathorn, 1987). To accomplish this, leaders must do the following:

- Urge all participants in the system to identify barriers continually and to develop solutions to improve operations.
- Establish a climate in which problem identification and process criticism are encouraged.
- Develop comprehensive program assessment systems with the full involvement of teachers.
- Arrange for independent audit of all operations to provide an outside view of district output.

The last task includes the traditional inspections experienced by all school districts, such as federal and state compliance audits, accreditation studies and reports, state and intermediate agency quality reviews, and the annual audit of the district's finances, as well as special audits by accounting firms or trained curriculum auditors.

When a curriculum audit team from the American Association of School Administrators' National Center for Curriculum Auditing examines a school district's program, it judges the effectiveness of the district's feedback systems. The questions in Exhibit 3.1 are designed to aid in assessment of the status of a feedback loop (English, 1988; Streshly, 1994). Districts that score 16 to 18 on this test are to be congratulated. Their feedback loops should provide enough information to launch a truly quality-oriented school system. Districts scoring 12 to 15 have made serious headway and should focus on improvement, beginning with the lowest-scored criterion. Districts that score less than 12 have feedback loops with serious deficiencies that require concentrated attention. Because feedback is at the very core of an organization focused on quality, attention to student testing and other data-producing elements of a district's feedback loop must be a first priority.

Point 6: Institute on-the-job training. Continuous peer coaching and other collegial help are vitally important for teachers who are attempting to embrace new values and learn new instructional strategies (Fullan, 1982; Joyce, 1990). Full cooperation of teacher union leaders with district leaders is essential for creating a commitment to a new core of values and beliefs. Sustained staff interaction is crucial and often involves practices, such as peer coaching

. Test for Judging the Quality of a District's Feedback Loop

Ratings: 3 = strongly agree; 2 = agree; 1 = disagree;
0 = strongly disagree

Assessment Program Criteria				
1. The assessment program is keyed to a set of goals and objectives adopted by the board of trustees.	3	2	1	0
2. Assessment program data are utilized extensively at the building level to engage in program review and modification.	3	2	1	0
3. Assessment program results demonstrate consistent improvement over a longitudinal time period.	3	2	1	0
4. Assessment data are used to terminate ineffective educational programs.	3	2	1	0
5. The comprehensive assessment program produces data that are used as a base to establish needed programs.	3	2	1	0
6. Assessment program results are publicly reported to the board of trustees and the community on a regular basis.	3	2	1	0

Exhibit 3.1.

and clinical mentoring, that were once eyed with suspicion by traditional unionists.

Successful on-the-job training requires the following:

- a climate supporting teacher autonomy and experimentation
- intensive coaching and collegial interaction, which free teachers to be more experimental
- flexible organizations that allow teachers to work collaboratively
- additional flexibility that allows for continuing long-term follow-up conferences

- regular reinforcing workshops and group problem-solving activities
- ongoing peer coaching characterized by tolerance for unsuccessful classroom experimentation

A shift to TQE in an educational institution requires total staff resocialization. Fullan (1982) describes it this way:

> The foundation of resocialization is interaction. . . . Once this is said, examples of successful training approaches to implementation make sense. They are effective when they combine concrete teacher-specific training activities, ongoing continuous assistance and support during the process of implementation, and regular meetings with peers and others. Research on implementation has demonstrated beyond a shadow of a doubt that these processes of sustained *interaction and staff development* are crucial regardless of what the change is concerned with. (p. 67)

Although teachers are the critical link in a well-managed school system, in-service training must be universally implemented in the organization from top to bottom, from school board members to students. The principles just enunciated apply at every level—teachers working with students to create a climate supporting autonomous learning, as well as district administrators working with school board members to create a constant vision of purpose. For an organization that is constantly self-diagnosing and auto-correcting the key is planning. None of what has been described will happen unless competent managers set it in motion and keep it on track.

Point 7: Institute leadership. According to Glasser (1990), the reason schools have failed to carry out meaningful reform during the past 25 years lies in the antiquated, Industrial Revolution vintage management system. He pinpoints the root of the problem as a shared belief in the ancient commonsensical theory of how we function that is best known as stimulus/response theory and that forms the theoretical foundation for much of our school management and, unfortunately, our pedagogy. Glasser argues:

> Stimulus/response theory is mistaken. When it is used to manage people, it leads to a traditional management that . . .I will call *boss-management*. Boss-management is ineffective because it relies on coercion and always turns workers and managers into adversaries. Bossing rarely leads to hard work and almost never to high quality work. Nowhere is this fact more obvious than in the schools. Managing for quality demands a new non-coercive method of management. (p. 428)

"Boss-management" does not work with students any better than it works with teachers. Classrooms work better when students are motivated by the intrinsic importance of the lessons and feel the power to learn them. These are the dynamics at work in cooperative learning. Putting these principles to work in the management of schools means eliminating boss-management and replacing it with a more collegial, shared-management model designed to promote professional autonomy and continuous improvement. This is the context that gives most meaning to teacher empowerment and is the most compelling demand of 21st-century teachers and teacher associations.

Current bureaucratic patterns need not conflict with professional growth and satisfaction if teachers are given enough autonomy and space to teach and students are given enough of the same to learn (Marjoribanks, 1977). Likewise, teacher autonomy to carry out professional duties is not necessarily in conflict with formal administrator control of schools. In fact, administrative regulations function to give direction to an organization and can support constancy of purpose and can institutionalize systematic improvement. Danger occurs when these rules and regulations become stultifying lists of duties, tasks, and orders that suppress teacher autonomy and dampen enthusiasm.

Loosely coupled school organizations, characterized by high teacher autonomy and entrepreneurship, certainly have a need for strong, focused leadership to guide entrepreneurial efforts. Deming suggests the following:

- Eliminate merit systems that reward selected members of the organization. Instead, promote collaboration and cooperation in which everyone wins.
- Focus on formative evaluation of staff and student efforts. Supervise students and teachers to improve them, not to rate or rank them.
- In supervisory meetings with staff, focus on improvement of processes.

One key to transforming school districts into quality organizations is the adoption of a collective mind-set that considers each subordinate level of the organization to be clients or customers, instead of servants. In other words, teachers serve students as their clients or customers. Principals serve teachers as their clients or customers. District administrators serve principals as their clients, and so on. This mind-set demands that each level of the hierarchy be sincerely and actively concerned with the achievement of the next level. It also demands that strong lines of communication be established to identify support aids.

Traditional association leaders would cringe at the suggestion that school administrators as well as teachers are their clients. However, this attitude must be shared throughout the school system in order for the transformation to a quality orientation to be complete. Employee associations are an integral part of a school system. As such, they must be on board before the quality transformation is complete.

Point 8: Drive out fear. To most of our political and business leaders, "standing accountable" does not mean taking responsibility in a cooperative enterprise aimed at achieving high quality. Rather, it means designating a person to take the blame if the enterprise falls short of its goals. In this behavioristic model of doing business, all but the top management strive to keep goals from being "unreasonably high." Other organizational minions strive to keep production efforts focused narrowly on *low-risk means* to accomplish the immediate *short-term results*. In the past this mentality helped to keep American industry focused on short-term profit instead of long-range planning, which stymied efforts to retool and improve

production techniques. It also encouraged the growth of union philosophies aimed primarily at protecting workers from management. In a sense, these unions did a great favor for many of our large industries by counterbalancing the fear created by management and by providing stability and continuity in the workforce and a sense of community in the workplace. Unfortunately, the adversarial nature of the management-labor relationship tended to disconnect the workforce from the organization's managers, which had two crippling effects: First, it deprived workers of the joy and satisfaction derived from participating in the organization's success; second, it thwarted the efforts of top managers to convey a vision of quality.

To overcome this organizational flaw, modern school managers and association leaders must collaborate to drive out fear by doing the following:

- Jointly develop employee relationships throughout the hierarchy that assume that all employees desire to be successful and are born with a natural inclination to learn and to create.
- Eliminate the practice of frequently grading, rating, and ranking employees. Behavioristic stimulus/response methods of employee control are destructive—this includes merit *citations* as well as demerits.
- Develop a criteria-based, interest-based salary and benefits negotiations format to eliminate the anger and suspicion that result from the confrontational model.
- Invest in in-service training to help all members of the organization understand the psychology of organizations. A sophisticated understanding of what makes human beings behave the way they do is an asset to teachers managing classrooms as well as to superintendents managing districts.

Point 9: Break down barriers between departments. Employee organizations must be viewed as integral parts of school districts. They are more than simply a manifestation of the informal structure. In many respects, they operate as departments. Consequently, school leaders and association leaders must work first of all to break down the barriers between the school district leadership and association leadership. The goal is to develop strategies for increasing cooperation

between the various school operations, as well as among various individual staff members. School and association leaders must conspire to develop teamwork. Suggested initial steps include the following:

- Organize instructional teams to break down the artificial barriers between departments such as language arts and social studies, science and math.
- Rethink and revise special education services so that they become a part of the mainstream educational program.
- Emphasize the customer service concept so that special-purpose departments in the school district central office sensitively serve the schools and the students.
- Actively attack insidious "class" barriers between academic and nonacademic staff, administrators and teachers, and staff and students.

In each of the above instances, school leaders can facilitate organizational improvement by establishing the purpose of the changes, by creating a climate conducive to experimentation without fear, and by coordinating staff efforts and activities.

Point 10: Eliminate slogans, provide effective methods. Slogans and exhortations sponsored and issued by school district leaders inspire resentment among teachers. The implication is that teachers could somehow solve America's educational problems if only they would work harder or smarter or both. When accompanied by a significant increase in surveillance by administrative staff, the slogans and exhortations engender fear throughout the system. Although this practice may initially produce some temporary increases in test scores because of increased efforts in a narrower range of the curriculum, eventually the improvement stops. Or, as Deming points out, improvement may reverse as staff members recognize the slogan campaign as a hoax.

By the same token, teacher union leaders who develop slogans exhorting teachers to unite against adversity promote fear and mistrust of management. Managers exhorting accountability tend

to energize associations who promise protection. The result is another paralyzed school system.

Instead, school district and association leaders should focus on creating the sorts of conditions under which teacher success is more likely. Together they can work on identified barriers. For example, the following schoolwide efforts would significantly improve the chances of teachers being successful in the classroom:

- a concentrated effort involving every teacher and every parent that focuses on building principled, ethical students (reliable research is now emerging that indicates pervasive, schoolwide ethics and character-building programs result in better school discipline and more ethical students; see Battistich, Watson, Solomon, & Schaps, 1989)
- an emphasis on inquiry study and homework
- a curriculum organized to support teacher efforts, including materials developed to support special programs
- parent training programs and activities that promote teacher-parent-student interaction

Point 11: Eliminate work standards. In many states, schools are caught up in the test-score game. This is not surprising, given that politically governed districts are heavily influenced by a widespread belief that excellence is the result of organizations driven by rewards and punishments. The assumption is definitely "Theory X." That is, humans are fundamentally a greedy, avaricious lot and need a system of crude stimulus/response prods in order to be productive. The term *management by objective* conjures up a variety of images, depending upon the reader's experience. Deming urges managers to eliminate this practice because it focuses on short-term, bottom-line measurements and tends to be quantitative in nature. In practice, management by objective often has unhealthy side effects on the organization's efforts. Interpreted mainly as quotas and deadlines, it results in lower-quality products. It also robs the organizations' members of pride of workmanship, because the emphasis is on numbers, not quality. However, as Montana (1991) points out, "one man's result can be another man's activity" (p. 30). For example, the management-by-objective process can easily be

used to focus on creativity, quality, and people, instead of quantity and deadlines. In the final analysis, it is nothing more than a tool or method for rationally assigning responsibilities or accountability in an organization. In the hands of human-relations-oriented "Theory Y" managers, management objectives can focus on product quality, customer satisfaction, improvement strategies, and teamwork, resulting in a successful, highly competitive enterprise. By the same token, behavior-oriented Theory X managers could develop objectives that focus on quantities of production, time schedules, and process deadlines, resulting in less employee satisfaction, less productivity, and less creativity. The latter model ignores the sound advice of modern-day quality experts and fails to take advantage of the enormous store of creative energy in the people of the organization and their natural desires to succeed.

Needed today are educational leaders who, as Barker (1992) points out, "know how to lead their organization to the new paradigm" (p. 14). No real change will occur until both administrators and teachers view themselves as equals in managing the school enterprise.

Point 12: Remove barriers that rob people of pride of workmanship. School organizations include students as well as teachers, staff, and administrators. Students must no longer be viewed as the school's "product." Rather, they must be understood to be important participants in the school's enterprise—learning and inquiring. Enabling pride of workmanship in a school begins with removing barriers that rob students of pride of workmanship. Educators must decide once and for all to drive out boss-management for students as well as for teachers, staff, and middle management. Deming's philosophy is humanistic and constructivist. When a school organization adopts the new philosophy it also commits to changing forever the nature of relationships among teachers, students, staff, and administrators. This, of course, requires numerous agreements between the teacher association and the school district. Naturally, the school board must be involved and, in some cases, the legislature, although using the law as an excuse for inaction must be avoided. The following are the most prominent barriers that rob school personnel of pride of workmanship:

- *The annual rating of performance, or merit rating.* Instead of focusing on ratings and rankings, which tend to be viewed as rewards or punishments, leaders must assume a role of support and assistance. They must work with their charges to identify problems and overcome them. Yearly interviews with employees must not focus on criticism. Rather, they should seek understanding, promote communication, and develop support.
- *The practice of grading students.* Grades, like merit ratings, create resentment and lead to lower-quality work. Instead of grading student work based upon completeness or excellence, the task should not be considered complete until the work meets a proper standard of excellence. The teacher's job is to help the students define the standard of excellence.
- *Punitive disciplinary systems.* Like the practice of grading, a school's punitive disciplinary system can lead to lower-quality behavior. Implicit in the system of punishment is supervision and surveillance. Getting caught is the crime, and small transgressions are viewed as having "affordable" consequences. In contrast, a disciplinary system that helps students embrace ethical principles as prerequisites of successful living results in the individual embracing the personal standard. In the long run, this latter approach eliminates the need for extensive student surveillance. Also, admittedly difficult teaching techniques and several models of "positive discipline" have been developed that are demonstrating statistical evidence of success (Battistich et al., 1989).
- *The practice of retaining students.* The evidence is clear on the question of student retention: The practice should be abolished. It is an example of treating students as commodities rather than people.
- *Merit pay and bonuses.* Organizations, including school organizations, become excellent as a result of all members working as a team, including students, administrators, staff, and teachers. Singling out individuals for bonuses or merit pay is another example of divisive short-term thinking.
- *Student honors.* This practice has an effect on academic excellence similar to that a punishment-and-reward disciplinary

system has on student behavior. In the long run, it does not enhance the quest for quality.

- *Rigid work rules.* Labor contracts must be revised to reflect a regard for teachers and staff as thinking members of the organization rather than servants working for medieval masters. Pupils, teachers, and staff are people, not commodities. Administrators, from the district office to the school site, are support staff, not masters. A negotiated contract helps set the stage for management and defines the "worker." Most of the current contracts negotiated for teachers and staff in school organizations are inappropriate and do not reflect an understanding of the quest for quality. This is an important barrier for school and association leaders to tackle, and it is probably the most sensitive. It conjures up fears rooted in centuries of unenlightened management practice. Nonetheless, it must be addressed if the school district is to have a chance of effectively transforming its organization. Leaders could consider several means:
  1. Devise a system to waive work rules in policy and contract.
  2. Suspend a selected number of particularly repugnant work rules for a period of time as an experiment.
  3. Leave the entire contract in force and begin a joint management association study focused on better methods of achieving the purposes of the work rules.

Point 13: Institute vigorous programs of education and retraining. Profound knowledge about the ways students learn, the ways organizations work, the reasons for schools, and the purposes of professional unions is at the core of a school system built using Deming's philosophy. Union and school leaders must conspire to promote continuing education of the entire school community focused on these elements of the schooling enterprise. The traditional incentives work, but commitment on the part of the leadership is vital.

Point 14: Create a management structure for constant improvement of knowledge and effectiveness. The key to the transformation, providing members of the organization are willing, is the development of a plan for action. To begin, consider the following two steps:

- First, teacher union leaders and school district leaders, including school board members, must reeducate themselves on the principles of leadership built around quality. This book or Deming's book *Out of the Crisis* should be read by all leaders. Study groups should be organized to discuss the meaning and implications of the 14 points.
- Second, the school and union leadership should examine their collective bargaining approaches and revise them to be consistent with the principles of collaboration.

The next four chapters discuss in detail the transition from industrial unionism to professional unionism, focusing on efforts to clear the way for TQE.

Key Terms and Concepts

Boss-management. An authoritarian administrative technique that relies on coercion.

Constancy of purpose. A dedication to improvement of processes and products. The organization is governed by long-range planning.

Peer coaching. A staff development process that allows fellow teachers to observe each other conducting their classes for the purpose of providing constructive, nonthreatening feedback.

Program assessment. The process of gathering data from multiple sources to determine how well the organization is accomplishing its goals.

Resocialization. The process of reestablishing values and standards held in common among the teaching staff. The phenomenon is a result of sustained staff interaction and is essential for meaningful culture changes of the sort necessary for a shift to total quality management.

Theory X, Theory Y. Theories outlined by McGregor, who postulates that employer-employee relations depend upon whether the administrator sees employees as fundamentally indolent (Theory X) or fundamentally industrious (Theory Y).

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✧ 4 ✧

Collective Bargaining: Barrier or Vehicle for Reform?

Whether TQE and collective bargaining can coexist is a legitimate question that demands further analysis. In fact, whether collective bargaining can coexist with most of the reforms currently proposed for American public schools is subject to speculation. In this chapter we examine the structures and purposes of modern-day collective bargaining practices.

Collective bargaining is born of two parents. The first is *conflict of interest*: Employees and management seek different interests. One seeks interests that primarily benefit self, whereas the other seeks interests that ostensibly benefit the organization. Both interests are legitimate, and the two interests conflict with each other. As Clark Kerr has noted: "If labor and management are to retain their institutional identities, they must disagree and must act on this disagreement. Conflict is essential to survival" (quoted in Coleman, 1990, p. 111). The employees believe that their interests go beyond, not merely coincide with, the interests of the organization or the profession. By banding together, their self-interest can be protected or even expanded.

The second parent, just as important as the first, is a *community of interest*. Just as two circles intersect each other in a Venn diagram, so the interests of the organization and the individual intersect and overlap. This overlap consists of the interests that both share. How to enlarge that overlap or community of interests is the challenge

The Duty to Bargain in Good Faith

There is a mutual obligation on the part of management and labor to bargain in good faith. Typically, the law places a mutual obligation on both management and labor to meet at reasonable times and to confer in good faith with respect to wages, hours, and other terms and conditions of employment. This obligation does not compel either party to agree to a proposal or require either party to make a concession. The practical rules for bargaining in good faith are as follows:

- Approach bargaining with a mind accessible to persuasion.
- Follow procedures that will enhance the prospects of a negotiated settlement.
- Be willing to discuss freely and fully your respective claims and demands. When such claims and demands are opposed by the other side, be prepared to justify your claims with reasons.
- Explore with an open mind proposals for compromise or other possible solutions of differences. Make an effort to find a mutually satisfactory basis for agreement.

The purpose of collective bargaining is to "bring to the bargaining table parties willing to present their proposals and articulate supporting reasons, to listen, to weigh the proposals and reasons of the other party, and to search for some common ground which can serve as the basis for a written bilateral agreement" (Gorman, 1976, p. 399).

Exhibit 4.1.

the leaders of both labor and management face. If there is no conflict of interest, there is nothing to bargain. If there is no community of interest, there can be no resolution. Sadly, the community of interest is often the forgotten parent as both parties tend to cleave to the other parent.

Collective bargaining is a process by which decisions regarding wages, benefits, and terms and conditions of employment are made

by two parties—the employer and the union (see Exhibit 4.1). The two sides meet and in good faith exchange proposals and counter-proposals with the aim of arriving at a mutually agreed-upon contract—"an explicit framework of agreements and procedures with a specific life span" (Cresswell & Murphy, 1980, p. 293). Once a contract has been agreed upon, it becomes legally binding on both parties. The whole process of collective bargaining is designed to achieve labor peace, at least in theory. Often it means something else in practice.

Political-Economic Decision Making

In education, the process by which money is allocated, distributed, and managed in the pursuit of educational goals forms a political-economic decision-making model (see Table 4.1). The process starts with a political debate (Politics) about which values or combination of values will be pursued. Whether the schools should pursue equity or enhance excellence or give choice to the citizenry are all examples of the types of values that are discussed in this political arena. The decisions that are made at this level have far-reaching consequences for public education.

After the values have been thrashed out through the political process, scarce resources must be allocated (Economics) to meet those values. The next step (Finace) is to distribute the burdens and benefits derived from those resources—who gets what and who pays what. The last step is the efficient management of those resources (Management).

This model is applicable to our public schools but is modified to meet the specific funding requirements of the various states. Typically, the legislature debates what values the state will pursue through its public schools. Once the values are decided upon, the allocation of monies that it will take to attain the designated values is debated and then agreed upon. Next, the school district must decide how to distribute the burdens and benefits of the allocated monies. This is typically done through the budget process. Some needs are met and others are not, because there is only so much

TABLE 4.1. The Union's Role in Political-Economic Decision Making

Politics ⟶	*Economics* ⟶	*Finance* ⟶	*Management*
Government decides which values (e.g. excellence, equity, efficiency, choice) will be pursued by government action.	Government allocates scarce resources to meet the values decided upon in the political process from the array of competing needs.	Government distributes the burdens (taxes) of attaining those scarce resources.	Government manages the financial resources efficiently in order to meet the goals of the policy.
Values are translated into policy.		Distributes the benefits, who gets what.	
Union is but one of many voices pushing their values (agenda).		Union works to distribute or redistribute who gets what. It wants to make sure that it gets as much of the benefits for its members as possible.	Union acts as watchdog to ensure that management is using the resources in an efficient manner.

money to be distributed. And finally, the administration must manage the resources efficiently so as not to waste the scarce resources.

Collective bargaining is nested in the distribution of resources (Finance). It tries to get more money distributed to meet the needs and interests of its members. By itself, it does not directly affect the allocation of money (Economics). It cannot create money for the school district; it can only influence distribution or redistribution within the school district. Through political activity, the union can try to influence the political part of the process (Politics), thus bringing about a shift in values more closely supporting the union's goals. But in this political arena, the union is but one of many voices clamoring to be heard. This is in contrast to the distributional part of the model, where unions must be heard and usually must agree to the decisions that affect terms and conditions of employment. Collective bargaining can only redistribute existing funds, it cannot allocate or create new funds for the school district. The importance of the union within the political-economic decision-making model is narrow.

Collective Bargaining's Impact on Governance

Governance is a process by which decisions are made about the control and direction of education. It is the structure that decides who has the power to step on the gas, apply the brakes, and suggest/decide the route to be followed, and who is stuck in the backseat and taken for a ride.

The advent of collective bargaining in education altered the basic employer-employee relationship. Prior to collective bargaining, a more or less unitary command structure existed. As discussed in Chapter 2, the relationship of administrators to teachers was paternal. Decision making was unilateral, with decisions typically flowing from the top of the organization down to the lower levels, where the decisions would be implemented. The advent of collective bargaining replaced unilateral decision making with bilateral decision making. New participants were introduced to the decision-making process, which was previously the exclusive province of the school

TABLE 4.2. Basic School System Contract Provisions

Section	*Contents*
Preamble	identification of bargaining unit and membership therein; agreement to forgo individual negotiations
Recognition	
Union's rights and security	protected organizing activity; dues deduction, agency shop, union shop; meetings, officers, general information
Employees' rights and security	discipline; personnel file access; academic freedom; employee evaluation; seniority; employee termination; nondiscrimination
Management's rights, work rules, and conditions	workload; school calendar and workday; work assignment and transfers; promotion and position notification; pupil discipline; school policy and operation decision procedure
Compensation and benefits	salary schedules; supplementary wage schedules; extra-duty and overtime provisions; insurance (life, medical, income); leave days (sick, personal, etc.); abbatical leaves and leaves of absence; association leave
Grievance procedures	detailed description of steps
Impasse procedures	detailed description of criteria and actions
Contract terms	length of agreement; no strike-no lockout; reopen or waiver provisions

SOURCE: Anthony M. Cresswell and Michael J. Murphy: *Teachers, Unions, and Collective Bargaining*. Copyright 1980 by McCutchan Publishing Corporation, Berkeley, California 94702. Permission granted by the publisher.

board. We now find union officials, arbitrators, fact finders, mediators, and public employee relations boards involved in the working relationship between employer and employee. Table 4.2 lists aspects of the employer-employee contractual relationship now subject to bilateral decision making.

What used to go on between the employee and the supervisor, between teacher and principal, is no longer just between those two.

Their acts are now connected to others in a larger mosaic. Collective bargaining has pushed for a more tightly coupled institution through a woven web of rules that increases uniformity. A tug on one part of the web, or school district, is felt in other parts. The various schools in a school district, the various employees in those schools, are tied more closely through this web of rules, thus constraining movement and/or flexibility. A spider's web allows for only so much movement once the prey is ensnared.

Formalizing, Standardizing, and Centralizing

The interposition of third parties and the attendant web of rules has an impact on authority. When the unilateral decision making of a unitary or authoritarian command structure is replaced by the bilateral decision making of collective bargaining, several important changes emerge:

- *Relationships become more formal.* The contract formalizes relationships because it substitutes a written and enforceable guarantee for an informal understanding that used to exist between teacher and principal.
- *Treatment of employees is increasingly standardized through a contract.* Because the contract applies equally to all teachers in the bargaining unit, decisions regarding one teacher must be generalizable to all teachers. One teacher cannot be treated differently from other teachers, through receiving either increased rewards or increased restrictions. How the contract is interpreted in one school must be consistent with how it is interpreted in all schools in the district.
- *Standardization leads to centralization, because the contract must be administered uniformly throughout a school district.* Typically, standardization is done at the central office, where the district as a whole can be monitored by both administrators and union officials. A tug on the web of rules awakens the spider of centralization to check that all points of the web and all who are ensnared within the web are still tightly connected.

Formalization, standardization, and centralization typically occur because, as a matter of public policy, collective bargaining is supposed to achieve labor peace, and peace is more easily achieved, maintained, and managed if it is controlled. Formalizing, standardizing, and centralizing relationships are means used to maintain the peace and manage conflict. Unfortunately, these natural outgrowths of collective bargaining are not conducive to a more professional union, the empowerment of teachers, and a more professional workplace.

The Pathology of Collective Bargaining and Reform

Collective bargaining, for several reasons, is not working out the way its advocates had hoped. Al Shanker, the president of the AFT, warned attendees at a teachers convention in Niagara Falls in 1985 that "we have not been able to achieve all that we had hoped for through the bargaining process, and it is time to go beyond it to something additional and quite different" (quoted in Toch, 1991, p. 134). Many individuals, including Shanker, have recognized the limitations of collective bargaining as a tool for enabling educators to realize the goals of school reform (Goldschmidt, Riley, & Pitner, 1988; Koppich & Kerchner, 1988). Its limited usefulness results from several factors.

First, as mentioned previously, collective bargaining in its present form fosters a schism between teachers and administrators. The reform goals of cohesion and collegiality are thwarted by collective bargaining. Schools need trust and cooperation to attain these goals. Collective bargaining is a system for attaining agreement when trust is low. "As a consequence, contracts must be legally explicit, anticipate contingencies, and provide for policing and enforcement. Such a system may well exaggerate the differences and diminish trust between parties" (Cresswell & Murphy, 1980, p. 479).

Second, bargaining is a rule-making activity. The negotiated contract is in fact a body of rules. As such, it increases the number of rules under which teachers operate, thus reinforcing the bureaucratic tendency of the organization. The increase of bureaucratic

rules that govern behavior supports a centralization of power. Because the contract is between the school board and the union, both parties are charged with its uniform application. Uniformity is enforced at the central office by both union and school district officials through the formal grievance process and the informal, and sometimes guarded, relationship that often develops between union officials and district office administrators. Both parties to the contract seek uniform application of the contract. Otherwise, instability might ensue, endangering the labor peace achieved by the contract. Both the union and the district office administrators seek to centralize and standardize behavior through consistent interpretation, scrutiny, and enforcement of rules.

Collective bargaining has a strong centralizing impact on school districts. This runs counter to the goal of decentralization of power and authority and tends to thwart meaningful implementation of TQE. A quick look at the Detroit teachers' strike of September 1992 reinforces this conclusion. The Detroit strike took place, in part, over the school board's conception of restructuring schools so as to give the schools greater autonomy. "Under the school board proposal at issue in the Detroit strike, a school could become 'empowered' if its principal, 75 percent of its teachers, and its parent council agreed" (Bradley, 1992). An empowered school would be free to operate as it wished as long it met the achievement standards for Detroit students and it balanced its budget. An empowered school, according to the school board proposal, could waive provisions of the teaching contract after giving two-week notice to the union. This two-week notice would give union leaders time to discuss the issue with the teachers and possibly to convince them to vote against the measure, thus preserving the uniform application of the contract for all. In response to the school board's plan to decentralize and restructure decision making in the school district, John Elliott, the teachers' union president, argued that "Detroit teachers prefer a centralized school system with the same work rules and procedures for everyone"; a school board member countered by denouncing this attitude as "the antithesis of professionalism" (quoted in Bradley, 1992).

Contracts and Professionalism

This leads to the third factor, the contract itself. Normative descriptions of work associated with professionalism do not easily translate into the legal descriptions of a contract. Cohesion and collegiality do not neatly fit into contractual language.

Collective bargaining agreements often contain provisions that prevent the assignment of the most appropriate teacher to a school. Some view this as antithetical to professionalism and contrary to the principles of TQE (McDonnell & Pascal, 1988). In an analysis of Boston Public Schools' negotiated site-based management program, Fossey (1991) found that the emphasis on seniority "protected by the union contract and reinforced by several arbitration decisions hindered the ability of site administrators to reorganize their staffs to achieve economies or to institute innovative teaching programs" (p. 9). This runs counter to the goals of so-called professional unionism, which include flexibility at the school site (Koppich & Kerchner, 1988). Other contract provisions that have been noted as problematic for reform include transfer policies that favor senior faculty members, limits on the number and length of faculty meetings, and mandated districtwide in-service policies that are inconsistent with the notion that individual school staffs determine what in-service is most appropriate.

Collective bargaining plays an important role in teacher-administrator relations. It secures a voice for teachers backed by the weight of law. As we pointed out in Chapter 2, this is often a necessary part of the transition from a master-servant labor relationship to a higher-functioning quality organization. Yet, for all of the things that it does accomplish, it fails to allow teachers and administrators to get at those difficult, hard-to-reach regions indicative of professionalism: collegiality, peer review, and policy formation. In Chapter 5 we examine the transition from traditional industrial-style unionism to a modern professional unionism compatible with TQE.

Key Terms and Concepts

Adversarial bargaining. A situation that is created when both parties continually attempt to gain power over each other.

Collective bargaining contract. A written agreement, legally binding on both parties, that formalizes all agreements reached between the school board and the union.

Counterproposal. A proposal made in response to a proposal from the other side during bargaining.

Grievance. An alleged violation of the contract.

Past practice. The manner in which a similar problem or situation has historically been handled. Consideration of past practice is often used when contract language is vague or silent on a specific issue.

Restructuring. Reform proposals that dramatically change the structure of school districts or the manner in which they operate.

Unitary command structure. The structure that existed prior to collective bargaining, characterized by unilateral decision making by management. Collective bargaining substituted this type of structure for one that embraced bilateral decision making.

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✧ 5 ✧

The Transition From Industrial Unionism to Professional Unionism

Work in the United States has changed a great deal since the early colonists first landed on this continent. Not only has the type of work changed—from the village smith to the General Motors automotive assembly-line worker—but the nature of work has changed also. By the 20th century, work in the cottage had become centralized in the factory. The skilled artisan had given way to the semiskilled tender of the machine. The teacher in the one-room schoolhouse whose class consisted of children of many ages became the third-grade teacher or the middle school social studies teacher.

The nature of work is still changing. The office worker may no longer work in an office, but instead from a computer station at home. Impending changes in the teachers' workplace will have a significant impact on their work. Because teacher unions are organized to serve the interests of teachers in a particular workplace structure, the changing conditions of work will have a concomitant impact on the labor movement in education. In this chapter we will examine the impacts of workplace changes in the past and discuss the emergence of professional unionism in education—new professional associations oriented to nourishing quality in the 21st-century schools.

The Shift From Guilds to Industrial Unions

The early model of work was built around the concept of the artisan or craft guild. As the forces of industrialization reshaped the landscape of work by creating factories, a new model of work developed, the industrial model. The new model of work created new types of workers with their own particular needs. The organizations and aims of artisans, craft guilds, and professional associations did not seem to fit the new needs of the industrial workers and were not consistent with the way the work was managed and carried out (see Table 5.1 for comparisons).

A new model was needed. That new private sector model is our current concept of the industrial union. When public sector collective bargaining laws were passed, the predominant labor-management mold was the industrial union. Public employee labor laws were written with the industrial union model in mind. The procedures for conflict resolution, the definition of management and labor, and their respective rights were all borrowed almost wholesale from the private labor sector, which embraced the industrial model. This initial decision of what model to use for the public sector has had major consequences for education.

Industrial-Style Unionism in Education

Industrial-style unionism, as codified in the National Labor Relations Act of 1935, has several traditional components that exert powerful influence over a teacher's work life and the operation of his or her school. Some of these are as follows:

- The union protects the worker from the whims of management through a collectively bargained, legally enforceable contract that defines the terms and conditions of employment in addition to the wages and benefits associated with the job (we discussed the impact of this web of rules in Chapter 4). Typically, anger and frustration over workers' legitimate needs

TABLE 5.1. Work Structure to Be Supported

	Labor	*Craft*	*Profession*	*Art*
Worker organizations emphasize	bargaining with management	organizing workers	certifying practitioners	evaluating products
When they are empowered to				
1. define work based on:	working conditions	task definition	public policy	product distribution
2. control worker access to:	terms of employment	the guild	client treatment	specific jobs
3. define membership based on:	employment	apprenticeship	examination and license	recognition of talent
4. give workers control by:	limiting management rights	expanding autonomy	high social status	product ownership
	→ more control over the work itself →			
	← more control over production processes ←			

SOURCE: C. T. Kerchner & D. E. Mitchell, *The Changing Idea of a Teachers' Union*. Copyright 1988 by The Falmer Press. Reprinted by permission.

not being met bring the workers together for mutual protection from a perceived disinterested, disaffected, and recalcitrant management.

- Employment security is sought through due-process procedures that protect employee rights while at the same time defining management responsibilities.
- The separateness of labor and management is defined and enforced. Consequently, the distinctions between the work activities performed by teachers and administrators are emphasized, rather than the commonality of purpose, roots, interests, or overlapping functions. This separateness is strengthened in that educators must be either one or the other—teacher or manager. If you are a teacher, you can join the union; if you are not, you cannot. Union membership is exclusive. In legal terms, membership is based on a mutuality of interests of the employees. The mutuality of interests has little or nothing to do with the profession of education or the goals of an educational institution.
- "Industrial unionism assumes permanent adversaries" (Kerchner & Caufman, 1993, p. 15). An "us" against "them" mentality is institutionalized.
- Work is considered labor. The rich texture of a teacher's efforts, the professional and artistic elements, do not fit neatly into the industrial union model. How would the union protect those professional and artistic elements? Through a contract?
- "The value of laboring work is fixed by the *amounts* of work done in a unit of time, not by the level of skill or the capacity for judgment used by the workers," whereas professional associations and artistic unions, such as the Screen Writers Guild, "concentrate on guaranteeing the independence of workers and the *value* of the work they perform, rather than on employee rights" (Mitchell, 1986, p. 9).
- Collective bargaining is built around official bargaining teams, where there is a "formal exchange of initial positions within a narrowly defined scope of bargaining" (Glaser, 1989, p. 33).
- The workers relinquish control over the outcome of the product of their work with the advent of industrial unionism. Decisions about what is produced and how it is produced pass into the

hands of management. The workers are divorced from the formation of policy; all they can do is implement it. For instance, in New Hampshire, the public employee collective bargaining law prohibits management from bargaining over matters of policy.

- Industrial unionism tries to narrow the range of labor relations to only those items that are bargained. An often-quoted union maxim is, "It isn't real if it isn't in the contract." And if it is not in the contract, it is management's prerogative.
- An important industrial union principle is "Equal pay for equal work"—and its corollary, "Extra pay for extra work" (Shedd & Bacharach, 1991).
- Work rules must be applied uniformly to all union members and among all work sites. As applied to a school district, this concept means that the contract must be enforced and interpreted in the same way in all schools, and in all situations. There can be no flexibility of circumstances or context. This uniformity is typically enforced by union officials and top-level management, thus increasing the centralizing of employer-employee decisions into the hands of a few.

What Do Unions Do in School Systems?

The organizations that represent our classroom teachers have attained a prominent position in shaping the policies that affect our public schools, but what do these unions do? Because the template used by lawmakers to define the relationship between school districts and teachers was borrowed almost completely from the industrial sector, these teacher organizations (the AFT and NEA) reflect in many ways traditional labor unions. Also, because the history and theory undergirding the management of public schools is derived in part from industrial management models, it is not surprising that labor-management relations reflect those found in industry. Unfortunately for all parties, that model of industrial unionism is not the best, given the uniqueness of public schools.

According to McDonnell and Pascal (1988), unions first operate as political interest groups working to obtain benefits from the exterior

environment. Keith Geiger, the NEA's president as of 1990, has stated, "As a union, we have to be in the forefront of the kinds of funding that are needed at the federal, state, and local levels" (quoted in Herrington, 1990-1991). Unions try to exert influence on political bodies to gain wanted benefits or to thwart perceived undesirable consequences to their institutional goals. They are just like other educational special interest groups, such as administrator and school board associations, that vie for a piece of the public agenda. The union's voice is but one of the many that seeks to be heard by lawmakers. But, because of the size of the unions, the ears of the elected officials are often cupped in the unions' direction.

The second role of unions noted by McDonnell and Pascal (1988) is their function as voluntary organizations that must meet members' demands in the types and levels of benefits they seek. In other words, teachers join a union in order to secure more tangible benefits than they would be able to obtain without the union. If the union cannot secure an appropriate increase in wages, health care insurance, sick leave benefits, and other such benefits, why should teachers pay money to join a union? The union must provide a service that the teachers believe they could not gain on their own. The union must deliver on these bread-and-butter issues for their membership, as well as provide security for their jobs. Otherwise, the union is nothing more than a social club—nice to join for the camaraderie, but not essential for economic survival.

Exclusive Representative

Once a union has been elected as the exclusive representative of the teachers, only that union can speak for the needs and desires of the teachers. Any contract that is bargained and subsequently signed is between the school board and the union, not the teachers as individuals. The school board cannot unilaterally give items to the teachers, such as increases in salary, without the union's agreement. Likewise, the school board cannot unilaterally impose additional obligations on teachers that run counter to the contract or accepted past practice. In other words, the school district cannot make any decisions that affect the terms and working conditions of employees,

including salary and fringe benefits, unilaterally, even if the decisions are favorable to the teachers. All decisions regarding teacher employment that come within the purview of that state's public collective bargaining law must be made bilaterally with the exclusive representative.

The Industrial Union Conflict With TQE

Unions are empowered and exist to meet the self-interests of their members, not the interests of the general public. In TQE terms, the union's customer (client), its sole customer, is its teacher members, and those teachers it must represent. On the other hand, the elected school board is responsible for meeting the general social goals of an educated citizenry, its customer. Thus the union's function is legally and psychologically distanced from the responsibility for the institution of education and its impact on society (Kerchner & Mitchell, 1988). Even though both the AFT and the NEA have stressed that teaching is a profession, most of their efforts have been aimed at attaining material benefits, such as higher wages, better health insurance, and greater job protections, and not at the professional issues of service delivery and the needs of the customer. Paradoxically, union officials who stray too far from attaining those benefits for the membership and attempt to strengthen reform efforts and/or professional practices risk losing the support of the membership. Teachers expect their unions to take care of business first, and the first business of a union is to secure the material benefits of the members' employment. Until a "union obtains these bread-and-butter items, movement toward greater professionalism is not likely" (McDonnell & Pascal, 1988, p. 53). In Chapter 6 we discuss strategies for accomplishing this necessary precondition.

As seen in Table 5.1, the concern for the customer/client (student and community) is nested in the professional model, not the industrial model. But is it possible for unions that have such a great influence on school finance and governance to move toward the professional model, where the concept of customer is expanded beyond the rank-and-file membership to include the larger com-

munity and the profession as a whole? We believe not only that new professional associations are possible, but that this new model must be pursued if educators are to accelerate the development of quality schools.

Professional Unionism: A Dichotomy of Terms or a Promising Future?

As we discussed in Chapter 1, there exists a tension between the teacher as union member and the teacher as professional. Industrial unionism, the model used for public employee bargaining laws, placed teachers clearly in the camp of card-carrying union members. In the beginning phases of the move from meet-and-confer (often called "meet-and-defer" or "meet-and-beg") to full-scale "good-faith" bargaining, industrial unionism may have worked, but the industrial model that supported this move is increasingly being criticized as outmoded and possibly reactionary. As education undergoes reformation and revolution, the view of the whining hard-hat union member who perpetually complains to management, "What did you do for me today?" is no longer viable. The reform of education calls for a different role for educators—teachers and administrators alike. As teachers assume expanded roles of leadership, the bright line between "us" and "them" blurs. The call for professionalism is heard echoing through school corridors, PTA meetings, reform reports, and the halls of legislatures. The call cannot go unheeded; it must be answered.

Transforming Unions to Quality Organizations

Because unions play a legitimate, legal, and real role in the governance of schools, scrapping them is not the answer. Transforming them while concomitantly transforming education as a whole, however, carries great promise. McDonnell and Pascal (1988) succinctly discuss the challenge of professionalism when they write:

> Although both the AFT and the NEA have always stressed the notion of teaching as a profession, their major emphasis over the past fifteen years has been on material incentives—higher wages and benefits, better working conditions for teachers. Placing greater emphasis on professionalism means that the primary emphasis of the benefit structure of teacher organizations would move from material incentives, i.e., benefits based on intangibles such as status and deference that accrue to a group, but which some members may not have access to or may receive in greater or lesser measure. (p. 19)

A new relationship between school organizations and unions must be developed. The current industrial union model is not likely to aid school reform, including the move to TQE. A new model is needed that allows for professionalism and the pursuit of teacher self-interest. "Union membership," Chester Finn (1991) writes, "isn't inherently incompatible with professional behavior and good education in other countries whose schools we admire and whose teachers are at least as fully unionized as ours" (p. 91). Professional unions are possible, and strides have been made toward this goal in several school districts throughout the nation. The time is now right for a concerted push for this change.

The Transformation to Professional Unionism

Kerchner and Koppich (1993) recently used the phrase "professional unionism" to describe the new teacher associations. We will use their phrase as an umbrella for the new union. According to Kerchner and Koppich, and others, this new association will probably include some, or most, of the following elements.

The belief in the bright line of distinction between labor and management will be discarded.

"Rather than being adversarial and concerned with preserving their own power, the new unions will be cooperative and nonconfrontational" (Shedd & Bacharach, 1991, p. 168). The institutionalized confrontation, or negotiated conflict, between the union and manage-

ment will cease. "Collaboration for the union does not mean co-optation or capitulation. The union maintains its organizational identity. But it is able to make its points, assert itself, and gain a professional advantage for its members in ways other than ritual saber rattling or actual concerted action" (Koppich, 1993b, p. 7). This does not mean that all conflict will stop. There will still be conflicts that arise, but there will not be sustained, automatic hostility toward each other. Antipathy must give way to understanding and allow for reasonable people to disagree. Cooperation can no longer be considered a lull in the permanence of conflict.

Related to this is union and management's propensity to "engage in a rhetoric of mutual deprecation" (Kerchner & Caufman, 1993, p. 15). As discussed in Chapter 2, the calculated destruction of individuals by both sides does not help education or the profession. As both sides commence bashing each other, typically around the start of negotiations, the public is left with the clear impression that the inept are leading the ill-intentioned and callous. The educators within the schools also come to believe the rhetoric. Confidence is destroyed both inside and outside the schoolhouse gates. Improvement of education becomes doubly difficult. "Moving from a unionism built around diffidence and antagonism to one built around cooperation requires mutual respect; the vehicle for antagonism must be converted into a vehicle for getting things done" (Kerchner & Caufman, 1993, p. 16). Koppich (1993a) suggests that the bickering remain in-house and that when problems are aired in public, both union and management go to great lengths to cast the issue as one of differences of principled positions, not differences of personalities. In other words, make the issue, not the individual, the target of discussion: *argumentum ad valorem*, not *argumentum ad hominem*.

Unions must balance the public good with teacher self-interest. In order to operate in the public domain and secure the support of the public, unions must recognize that they have public as well as private responsibilities. Unions cannot afford the characterization that political scientist Norton Long made of the Chicago Teachers Union in the 1960s and 1970s. He characterized the union as "legitimating a degree of callous selfishness that surpassed that of the managerial elite of reform [government] and even the rapacity of the [Chicago political] machine" (cited in Ayers, 1993, p. 179). The

union's concept of "customer" must broaden. If unions want a larger a voice in the public's business, they must be accountable to the public in some fashion. It is impossible to be considered a professional and not have a simultaneous commitment to the public good. The union and its members must engage in serious discussions about the impacts their professional actions have on their public responsibilities.

Teacher protection must be rethought. The union must speak not only for teachers but for teaching itself (Koppich, 1993a; Shedd & Bacharach, 1991). The union must become organizationally responsive to the quality of teaching. This does not mean that the union must give up its traditional stand of protecting due-process rights of teachers, but due process would not be its only concern. What good teaching is and how we measure it, how we achieve it, and how we retain it should be ongoing important union topics of discussion and debate. Peer review is one vehicle that several school districts and unions (e.g., Toledo, Ohio, and Poway, California) have used for teachers to exercise professional judgment over teaching.

The use of joint union-management committees is another valuable manifestation of professional unionism. This practice helps to define education as a "collective and shared enterprise" (Kerchner & Caufman, 1993, p. 9). Unions and management work together in a meaningful way on issues that go to the core of the institution of education. Joint committees must not be *pro forma* facades but must be actual deliberative, decision-making bodies. For example, in Cincinnati, a Teacher Allocation Committee administers a pool of resources earmarked for reducing overcrowded classrooms.

One of the tenets of the industrial union is the uniform application and applicability of the negotiated contract to all sites and all employees. Reform of education and responsiveness to the customer calls for flexibility, because of the differing contexts of different school communities. Just as decision-making and governance functions are being decentralized to empower those individuals closest to the point of implementation, so must contracts have some degree of decentralization. This requires that the district office management trust that the principals will not sell out the interests of the district. Likewise, union leadership must trust that the teachers at the site will not devalue or debase the union's goals. But some

TABLE 5.2. Comparison of the Old Industrial-Style Teacher Unionism and the Emerging Union of Professionals

Old Industrial-Style Teacher Unionism	*The Emerging Union of Professionals*
Emphasizes the separateness of labor and management	Emphasizes the collective aspect of work in schools
separation of managerial and teaching work	blurring the line between teaching and managerial work through joint committees and lead teacher positions
separation between job design and its execution	designing and carrying out school programs in teams
strong hierarchical divisions	flattened hierarchies, decentralization
Motto: Boards make policy, managers manage, teachers teach.	*Motto:* All of us are smarter than any of us.
Emphasizes adversarial relationships	Emphasizes the interdependency of workers and managers
organized around teacher discontent	organized around the need for educational improvement
mutual deprecation—lazy teachers, incompetent managers	mutual legitimation of the skill and capacity of management and union
win/lose distributive bargaining	interest-based bargaining
limited scope contract	broad-scope contracts and other agreements
Motto: It's us versus them.	*Motto:* If you don't look good, we don't look good.
Emphasizes protection of teachers	Emphasizes protection of teaching
self-interest	combination of self-interest and public interest
external quality control	internal quality control
Motto: Any grievant is right.	*Motto:* The purpose of the union is not to defend its least competent members.

SOURCE: Reprinted by permission of the publisher from Kerchner, Charles T., and Koppich, Julia E., *A Union of Professionals: Labor Relations and Educational Reform.* (New York: Teachers College Press, © 1993 by Teachers College, Columbia University. All rights reserved.), Figure 1.1 (Industrial vs. professional unionism).

form of decentralization is needed for both reform and professionalism. Teachers need to move into new leadership roles, and principals need to accommodate this community of leaders; this cannot easily occur within the confines of standardized, centralized work rules.

It is worth repeating: A professional union will need an attitudinal change as well as a structural one. Similarly, management will need a change in attitude in order to accommodate the new union professionalism. Exhibit 5.1 is a diagnostic test designed to provide a pictorial view of the status of union and school district leader attitudes.

Key Terms and Concepts

Argumentum ad hominem. An argument aimed at a person rather than an issue. Typically, this type of argument is designed to attack the individual.

Argumentum ad valorem. An argument aimed at the issue, not an individual. This is the type of argument that is supposed to be made in a court of law.

Bargaining unit. A group of employees who have a sufficient community of interest in the type of work performed that they can be recognized as the exclusive bargaining representative.

Craft guild. An association of workers who create or perform work requiring artistic skill.

Due process. The act of following legal steps to ensure that employees are treated fairly and according to law; a constitutional guarantee ensuring that fair laws and fair process will be used before the government can deprive a person of life, liberty, or property.

Exclusive representative. Formal recognition of the organization (union) selected by the majority of teachers in a supervised election. This formal recognition makes the selected organization the *only* organization that can bargain for all the teachers, including nonmembers, in the bargaining unit.

Industrial Unionism to Professional Unionism—A Diagnostic Test

Chart your union on the continua listed below. For each item, circle the dot that you think most accurately represents your union's current position. This should provide a pictorial representation of how far along your union and school district management are in the transition to a professional union.

1. Us vs. them (teachers vs. administrators)	• • • • • • •	We (educators)
2. Management viewed as adversaries	• • • • • • •	Management viewed as collaborators
3. Centralized control of the contract	• • • • • • •	Decentralized control of the contract
4. Separate union/management committees	• • • • • • •	Joint union/management committees
5. Protects employment	• • • • • • •	Protects the quality of teaching
6. Uniformity of work rules	• • • • • • •	Flexibility of work rules
7. Initial response is to attack management	• • • • • • •	Initial response is to attack the problem
8. Risk belongs to management and reward to employees	• • • • • • •	Risk and reward belong to both
9. Self-interest of employees is primary	• • • • • • •	Self-interest is balanced wth public good
10. Customer = union member	• • • • • • •	Customer = union member, student, community, profession

Exhibit 5.1.

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✧ 6 ✧

Launching a Quality Employer-Employee Relationship

Koppich (1993) quite correctly points out that the new direction in employer-employee relations is built around three mutually reinforcing tenets. The first is "joint custody" by the management and the union of the reform efforts in the school system, the second is a politically charged concept of union-management collaboration, and the third is an authentic concern for the public interest. Launching an employer-employee relations model focused on quality requires a readiness on both sides of the bargaining table to embrace these tenets.

Readiness to discard the industrial-style labor relations model in favor of what Kerchner and Koppich (1993) term "professional unionism" requires maturity and experience on the part of both district leadership and the union leadership. Unfortunately, many districts have achieved this maturity the hard way, by experiencing prolonged labor turmoil, with its concomitant impact on community relations, productivity, and job satisfaction. One superintendent who has observed numerous attempts at collaborative labor relations asserts that the best chance for success occurs *after* the community, the board members, the administrators, and the employees have all tasted the despair and pain caused by a protracted war of rhetoric, strikes, and dirty tricks. It is discouraging to think that the agony of strikes or prolonged labor strife must be endured before

the scene can be set for quality labor relations. It is more comforting to believe that wise people with honorable intentions can learn from the experiences and research of others.

Getting Started

Regardless of the way in which the readiness mind-set is achieved, a willingness on both sides to relearn roles is critical. The school board and administrators must be willing to risk loss of authority and control. Union leaders must abandon the traditional "troop-rallying" tactics that previously have been the basis for their influence. They also risk loss of support by their constituents or by the state and national union officials. However, to make it work, leaders on both sides must transcend petty politics and embrace a higher-order organizational philosophy that considers all human endeavor as important. Some 25 years ago, the rewards for moving in the direction of cooperative labor relations were stated in terms of job satisfaction and cost-effectiveness. Today, the very existence of public schools is at stake. Education must permanently discard the action-reaction, adversarial labor relations models and climb aboard the quality bandwagon currently sweeping America's industries. Simply put, excellence in the school business ultimately is teachers teaching very well, and this fact demands a highly developed labor relations model, including new professional unions.

Labor relations, whether positional or collaborative, have two distinct halves: negotiating the contract and administering the contract. The success of each of these two components depends to a degree upon the success of the other. That is, if the contract is administered or implemented poorly, resulting in a long list of employee grievances, the negotiations will be more difficult, and vice versa. If negotiations are long and hostile, the administration of the contract becomes more difficult. For a quality employer-employee relations model to succeed, it must stress both contract negotiation and contract administration.

XYZ Unified School District Certificated Master Contract

Certificated Salary Schedule Formula

In subsequent years, raises will be calculated according to the following formula:

1. Projected mean salary increase for San Diego County Unified School Districts as determined jointly by the superintendent and the association president or representatives.
2. Plus (positive or negative) difference between prior years negotiated salary increase and mean SDCUSD salary increase in order to maintain number four (4) position among the ten San Diego County Unified Districts. For comparison purposes, the top regularly scheduled salary (step 11, class VI for XYZ) will be used.

The District will apply the yearly % increases for all monetary benefits for certificated personnel (i.e., stipends, hourly rates, etc.).

Exhibit 6.1.

Get the Money Off the Table

Almost everything a school district does boils down to money. The first step in the development of a collaborative labor-management relationship is to adopt a method for establishing salaries and benefits. The win-win strategies developed by the Harvard Negotiation Project will work, as will a number of other interest-based bargaining strategies. We discuss these in more detail in Chapter 7.

Some districts set salaries and benefits by adopting a set of criteria or a formula that very specifically defines salary and benefits adjustments (see Exhibit 6.1). These are based on district income, cost of living, and other pertinent indices. The key here is to be precise enough to avoid misunderstanding while at the same time protecting the interests of both parties. It is advisable for negotiators to consult with a district that has had successful experience using criteria applicable to their district and their state's financial scheme before entering an agreement. Visits to other districts provide

opportunities for union and district leaders to extend their dialogue and build a foundation for collaboration.

Contrary to popular rhetoric, once the question of salaries and benefits is resolved, many other issues "evaporate." The way is paved to eliminate the "we-they" mind-set characteristic of the industrial-style bargaining model. This is not to say there are no other important issues. Certainly academic freedom, transfer, discipline, and grievance procedures are of concern to teachers. However, for a number of reasons very basic to human beings, salaries and benefits have the greatest emotional impact. When unions no longer need big blue-chip trade-offs, collegial union-management teams become possible. School boards can concentrate on being good policy makers; teachers and administrators can concentrate on educating children. Consequently, a good deal of time and energy must be spent to accomplish this first step effectively.

Because money (salaries and benefits) is extremely important to virtually every person in the organization, this first step can make or break the effort to launch collaborative labor relations. Collaboration must not appear to union members to be capitulation. Nor must it assume an aspect of cohabitation between union officers and district administrators. If this happens, the arrangement will be short-lived, and the aftermath may create greater antagonism than existed before the experimentation began. As we noted in Chapter 5, union leaders must be perceived as taking care of business—handling bread-and-butter matters for the membership.

Put the Contract on the Shelf

Employees, particularly union leaders, feel more comfortable if they have the protection of a standard master contract that includes all the traditional provisions. This actually helps create a climate of positive labor-management trust and relieves the concern that a future malevolent board and administration will take advantage of the union's trust. Establishment of this basic document allows the union leadership to forgo the annual language-negotiations ritual. Instead, the leaders can spend time involved with planning and implementing reform. Only when provisions of the contract become

obsolete or when circumstances require sound personnel policy to be written into the contract is it necessary to negotiate. Even then, the deliberations assume a problem-solving format. "Escape clauses" allowing the contract to be suspended under certain circumstances should be added to eliminate the paralyzing effect on reform efforts that rigid and complicated work rules often have. The idea is to develop fair employment practices within a climate of trust. Union officials should no longer feel an urgency to make "progress" on the contract, provided that a *satisfactory mechanism* for dealing with myriad employee concerns and grievances is established and operating effectively.

Develop a First-Class Employer-Employee Grievance and Communications Process

To establish a satisfactory mechanism for communicating with employees and dealing with their concerns, the district leadership must first accept the premise that employee organizations are not only organizations parallel to the official district structure, but are also lawfully sanctioned by the legislature. It does not take an expert to recognize that employee organizations should be included formally in the management scheme of the school district. Like the salary and benefits criteria for formulas, this can be done in a variety of ways, depending upon the size of the district and/or the district's customs and priorities.

Several districts that have successfully developed collaborative relations with their employees utilize formally constituted contract management councils that are similar to grievance councils used in the private sector. The councils are usually composed of the superintendent, a few administrators, the executive officers of the association, and some assorted representatives. Usually separate councils are organized for the certificated and classified staffs. These councils meet monthly (or more often if needed) to discuss any topic of concern to district employees. Conclusions are drawn, and decisions are made that result in proposals to the management team and governing board in the form of administrative procedures and board policies.

XYZ Unified School District
Board Policy
Administration

ADMINISTRATIVE ORGANIZATION- EMPLOYEE ADVISORY COUNCILS **2130**

The Superintendent of the XYZ Unified School District is encouraged to utilize all of the resources, both human and material, available to him/her for the purpose of effective and efficient operation of the school district. In order to develop and maintain positive employer-employee relations, to provide an opportunity for all employees to contribute to the improvement of the district, to conduct negotiations, and to better implement the Employee Master Contracts, the Superintendent shall establish employee advisory councils which will assist him/her with these tasks.

XYZ Unified School District
Administrative Procedures
Personnel

ADMINISTRATIVE ORGANIZATION- EMPLOYEE ADVISORY COUNCIL CERTIFICATED/CLASSIFIED **2130**

The Certificated Advisory Council (Kitchen Cabinet)

Membership

The council shall be composed of the executive board of the exclusive representative of the certificated bargaining unit, the personnel director, and the superintendent.

Purpose

The purpose of the council shall be (1) to effectively implement the XYZEA master contract, (2) to assist the district superintendent in developing and maintaining positive employer-employee relations, (3) to conduct negotiations and to provide a formal channel through which suggestions for improvement or other concerns of employees may be reviewed.

This council shall *not* replace the formal procedures established in district policies or employee agreements for the processing of employee concerns, neither shall it replace the regular organizational structure established for the development, administration, and operation of district programs. The intent will be for the council to help identify and resolve potential problems prior to the need for the utilization of any of the formal procedures established for this purpose. The council will meet with the superintendent once per month and on special occasions as agreed by the superintendent and the association president.

The Classified Advisory Council (Kitchen Cabinet)

Membership

The council shall be composed of the executive board of the exclusive representative of the classified bargaining unit, the personnel director, and the superintendent.

Purpose

The purpose of the council shall be (1) to effectively implement the XYZEA contract, (2) to assist the district superintendent in developing and maintaining positive employer-employee relations, (3) to conduct negotiations and to provide a formal channel through which suggestions for improvement or other concerns of employees may be reviewed.

This council shall *not* replace the formal procedures established in district policies or employee agreements for the processing of employee concerns, neither shall it replace the regular organizational structure established for the development, administration, and operation of district programs. The intent will be for the council to help identify and resolve potential problems prior to the need for the utilization of any of the formal procedures established for this purpose. The council will meet with the superintendent once per month and on special occasions as agreed by the superintendent and the association president.

Exhibit 6.2.

XYZEA Teacher Concern Survey

Submitted to Kitchen Cabinet _____ Rep Council_____
Confidential: Yes / No
From:_____
Site:_____
Date:_____
Problem or concern:

Exhibit 6.3.

Establish Union-Managed Input Systems

The unions must join with the district leadership to clear the lines of communication. In one district, for example, the unions employ elaborate communication devices at each of the school sites to collect employee concerns. The teachers' association has a suggestion box attached to the bulletin board in every staff lounge. Instructions on the box encourage teachers to submit topics to the contract management council, which in their district has been dubbed the Kitchen Cabinet. Exhibit 6.3 gives an example of the forms that are located in every faculty room.

In stark contrast to the standard operating procedures employed by their industrial-style counterparts, unions participating in collaborative district governance play a significant role in clarifying district procedures and opening important lines of communication. No longer are they required to foster suspicion and fear among their constituents with misinterpretations of administrative actions. Instead, the majority of the concerns brought to the associations by employees are resolved informally, *by association representatives or leaders.* If a concern is the result of a misunderstanding, it is addressed simply by correcting the misunderstanding. At other times, union representatives will counsel with employees to help them use the established system to solve their problems. In other words, the new professional union uses its resources and energy to help the system operate more effectively. In this role unions become a very valuable part of a system's governance and contribute measurably to its success.

Key Terms and Concepts

Collaboration. A politically charged concept that describes the efforts of school district leaders to devise creative solutions to organizational problems. Collaboration presupposes joint custody by the management and the union of the reform efforts of the organization.

Grievance counsel. Also known as a contract administration counsel, this organization, composed of representatives from the union and management, convenes regularly to discuss contract implementation problems, alleged violations, and the like. The purpose is to manage the contract peacefully and avoid formal confrontations.

Professional unionism. The philosophy of unionism that places less emphasis on bargaining for material benefits and more emphasis on establishing a legitimate voice in the organization's business. The professional union maintains its organizational identity and is assertive but nonconfrontational.

Salary formula. A set of criteria agreed upon by the union and the administration that helps define an acceptable increase in salary and benefits.

Troop rallying. The traditional role of union leaders aimed at maintaining employee discontent and dissatisfaction in order to provide bargaining leverage in the form of concerted action.

Win-win bargaining. The term applied to several interest-based strategies that encourage the two sides of a bargaining table to examine alternatives in compromises.

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✧ 7 ✧

New Quality in Employer-Employee Relations: The Emergence of the Policy Trust Agreement

Employer-employee relations, union-management relations, and customer relations all emphasize the relational aspect between parties. We know that TQE involves all parties in the institution and that the union is one of those important parties, so clearly the relations between labor and management, employee and employer, are crucial. Instituting quality relations is one way to meet the TQM goal of "driving out fear." Relationships and negotiations that embrace the goal of driving out fear, suspicion, and uncertainty and build in their place trust and reliability can achieve quality for the institution.

In this chapter we briefly explore three concepts that together can help move an institution and its people in the direction of quality. The concepts are getting together, getting to yes, and policy trust agreements. The first two of these deal with improving the traditional industrial-style bargaining processes. We present and discuss strategies to make an admittedly poor adversarial model work better. Against this backdrop we then present the third concept, policy trust agreements. Potentially, the process of developing trust agreements can serve as the catalyst for the labor relations reform so essential for the creation of flexible, continually improving, high-quality public school systems. Today, these agreements are leading the way toward professional unions in education.

The First Concept: Getting Together

Getting Together: Building Relationships as We Negotiate, by Fisher and Brown (1988), is the second book to come out of the Harvard Negotiation Project. The theory behind this project was used by the United States in the Middle East peace negotiations at Camp David in September 1978. We will briefly examine *Getting Together* before we move to the first book from the project, *Getting to Yes: Negotiating Agreement Without Giving In* (Fisher & Ury, 1981). In *Getting Together*, Fisher and Brown set the stage for negotiations. If the relationship between parties is poor, there is little hope for negotiation to be other than acrimonious, difficult, and a task to try even the souls of saints. A strong relationship, in contrast, smooths the path for mutually beneficial negotiations.

Relationships involve more than one person. This is painfully obvious, but it is also our beginning point. "Although it takes two to have a relationship, it takes only one to change its quality" (Fisher & Brown, 1988, p. xi). One individual or one organization can make a difference; it is to the one who is willing to risk change that we address our comments. Good relationships typically have some of the by-products described below.

- *Good substantive outcomes for the parties.* We are likely to want in our relationships immediate substantive results, such as money, economic well-being, comfort, property, or security. Relationships that help us to achieve these interests are considered good.
- *Inner peace.* The emotional reaction to an encounter is as important as the substantive outcome. We want to feel positive about our relationships. "We want to be able to say: 'I can work things out with those people.' If we don't feel positive after the last transaction, we may dread the next and have more difficulty dealing with it" (Fisher & Brown, 1988, p. 8).
- *An ability to deal with differences.* The other party to a relationship also has interests, and those interests are likely to differ from ours in some respects. Collective bargaining, as we have discussed, involves the importance and necessity of a conflict

of interest. Differences are natural; their appearance in a relationship does not signify that the relationship is necessarily strained beyond repair or that one party must give in to the demands of the other. The key is the ability to deal with differences. Fisher and Brown (1988) suggest the use of six basic elements to deal effectively with differences. The elements of their unconditionally constructive strategy include the following:

1. *Rationality—balance emotions with reason.* Relationships are not always rational. We often react emotionally rather than logically. Emotions are a normal and necessary part of us. We do not choose our emotions, they just happen. "Wisdom is seldom found without them" (p. 10). But we cannot work well with somebody when emotions overwhelm reason. "Rather, we need both reason informed by emotion and emotion guided and tempered by reason" (p. 10). What we should judge is behavior—how we express our emotions.
2. *Understanding helps.* Whether or not the parties agree is not the major point; rather, trying to understand each other's interests, perceptions, values, and notions of fairness is the major point. It is hard to resolve differences without understanding them. We can always assume a need to know more about the other.
3. *Good communication helps.* The more open we are in our communication, the less basis there is for suspicion. There are three barriers to effective communication that we can do something about. Barrier 1 is that we assume there is no need to talk. Barrier 2 is that we communicate in one direction—we tell, but do not listen. Barrier 3 is that we send mixed messages.
4. *Being reliable helps.* Communication means little if it is not believed. Likewise, commitments that are entered into lightly or discarded easily are not believed and will often mask the commitments that are taken seriously. "But well-founded trust, based on honest and reliable conduct over a period of time, can greatly enhance our ability to cope with conflict" (p. 11). Important aspects of reliability are predictability, clarity, honesty, and taking promises seriously.

TABLE 7.1. Persuasion, Not Coercion

Coercive Tactic	*Alternative Approach*
Attack people on the other side.	Attack the problem.
Treat negotiations as a contest.	Treat negotiations as joint problem solving.
Commit early in the negotiation.	Remain open to persuasion.
Take a position.	Explore interests.
Narrow the options to "either/or."	Invent multiple options.
Try to break the will of the other side.	Try to persuade the other side of what is fair.
Threaten; worsen their walk-away alternative.	Improve your walk-away alternative (BATNA).

SOURCE: From *Getting Together* by Roger Fisher and Scott Brown. Copyright © 1988 by Roger Fisher and Scott Brown. Reprinted by permission of Houghton Mifflin Co. All rights reserved.

5. *Persuasion is more helpful than coercion.* The more coercive the behavior, the less likely it is that the outcome will reflect both parties' concerns and the less likely it will be acceptable in the eyes of the coerced (see Table 7.1).
6. *Mutual acceptance helps.* Feeling accepted, valued, and worthy of respect is a basic human psychological need. Each party needs to feel that the other is someone worthy of being dealt with. Acceptance does not mean approval; it means accepting the other party's right to have views that differ. Good relations are not simple to achieve—they take hard work. But giving in does not work. "It may avoid arguments, but it also eliminates the opportunity to learn how to talk through problems and to become skillful at reaching solutions" (Fisher & Brown, 1988, p. 21). Likewise, an eye-for-an-eye approach does not work. Sentiments such as the following dominate such an approach:

   Because anger dominates your thinking, it will dominate mine.

Because you misunderstand me, I will put the worst interpretation on what you do.

Because you are not listening to me, I will not listen to you.

Because you are apparently trying to deceive me, I will try to deceive you.

Because you are trying to coerce me, I will try to coerce you.

Because you are denigrating me, my views, and my interests, I will denigrate you and yours.

Fisher and Brown (1988) believe that following these six guidelines will be both good for the relationship and good for the party who tries them, whether or not they are reciprocated. They write, "No matter how you respond to my behavior, I will tend to be better off than if I were to pursue another strategy" (p. 39).

The Second Concept: Getting to Yes

Getting to Yes (Fisher & Ury, 1981) was the first book to come out of the Harvard Negotiation Project. The authors contend that negotiation is a fact of life; we are all negotiators, whether or not we sit at formal bargaining tables representing labor or management. Negotiation is one of the basic means by which one individual gets what he or she wants from another. "It is back-and-forth communication designed to reach agreement when you and the other side have some interests that are shared and others that are opposed" (p. xi). As we have seen in the section above on *Getting Together*, negotiation is one way in which we deal with differences. How we deal with our differences speaks volumes about the type of relationship we have with the other side. To move to quality, both sides must be willing and able to negotiate fairly and effectively.

Fisher and Ury (1981) suggest that fair negotiations are judged by three criteria: They should produce a wise agreement if agreement is even possible; they should be efficient; and they should improve or at least not damage the relationship between parties. This last part is crucial for education because even before the ink

TABLE 7.2. Unconditionally Constructive Strategy

Unconditionally Constructive Advice	*Good for the Relationship Because*	*Good for Me Because*
Balance emotion with reason.	An irrational battle is less likely.	I make fewer mistakes.
Try to understand.	The better I understand you, the fewer collisions we will have.	The less I shoot in the dark, the better solutions I can invent and the better able I am to influence you.
Inquire, consult, and listen.	We both participate in making decisions. Better communication improves them.	I reduce the risk of making a mistake without giving up the ability to decide.
Be reliable.	It tends to build trust and confidence.	My words will have more impact.
Be open to persuasion; try to persuade.	If people are persuaded rather than coerced, both the outcome and compliance are better.	By being open, I keep learning. It is easier to resist coercion if one is open to persuasion.
Accept the other as worth dealing with and learning from.	To deal well with our differences, I have to deal with you and have an open mind.	By dealing with you and reality, I remove obstacles to learning the facts and to persuading you on the merits.

SOURCE: From *Getting Together* by Roger Fisher and Scott Brown. Copyright © 1988 by Roger Fisher and Scott Brown. Reprinted by permission of Houghton Mifflin Co. All rights reserved.

has dried on the newly negotiated contract, it is the relationship between the parties that will carry on and be the indicator of the success of the negotiations. *The contract is not the measure of success; together, the relationship and the way the contract is administered by both parties is the measure of success.* Embittered and embattled parties at the conclusion of a contract signing signal a continuation of hostilities during the life of the contract and a drawing of battle lines for the next round of negotiations.

Don't Bargain Over Positions

To meet the three criteria just mentioned, Fisher and Ury present their first piece of advice in the form of a "don't": Don't bargain over positions. Although taking a position helps to define what you want and provides an anchor for your negotiations, it does not always lead to an acceptable, long-lasting agreement. Arguing over positions often produces unwise and inefficient agreements. Bargaining over positions tends to lock negotiators into those positions, and the positions often become identified with the negotiators' egos—losing the position equals losing face. "Positional bargaining becomes a contest of wills" (p. 6). Being nice is not the answer, however. According to Fisher and Ury, in positional bargaining, a hard game of bargaining dominates a soft game, and the soft game of bargaining typically runs the risk of producing a sloppy agreement. There is a better way. Fisher and Ury call this method "principled negotiations or negotiation on the merits." There are four points to principled negotiations that work in most instances:

- *People:* Separate the people from the problem.
- *Interests:* Focus on interests, not positions.
- *Options:* Generate a variety of possibilities before deciding what to do.
- *Criteria:* Insist that the result be based on some objective standard.

Fisher and Ury's discussion of their first point, *separating the people from the problem,* offers some helpful techniques for the negotiator who

is trying to both satisfy his or her substantive interests (better wages, better working conditions, and so on) and secure the relationship.

- Put yourself in their shoes.
- Each side may see only the merits of its case, and only the faults of the other side's.
- Don't deduce their intentions from your fears.
- Don't blame them for your problem.
- Even when blaming is justified, it is usually counterproductive. The other side becomes defensive when attacked and resists what you have to say.
- Discuss each other's perceptions of the problem.
- Recognize and understand your emotions and theirs.
- Sometimes it helps to allow the other side to let off steam without reacting to emotional outbursts. One labor/management group in the steel industry adopted a rule that only one person could be angry at a time. "This made it legitimate for others not to respond stormily to an angry outburst" (p. 32).
- Without communication, there is no negotiation.
- Listen actively and acknowledge what is being said.
- Speak about yourself, not about them.
- Speak for a purpose.
- Speak to be understood.

To facilitate *focusing on interests, not positions*, the authors share these thoughts:

- Talk about your interests. One of the purposes of negotiating is to serve your interests.
- Put the problem before your answer. Give your interests and reasoning first and your conclusions or proposals later.
- "You will satisfy your interests better if you talk about where you would like to go rather than about where you have come from" (p. 54).
- Be hard on the problem but soft on the people.

Figure 7.1. The Four Basic Steps in Inventing Options

SOURCE: From *Getting to Yes*, 2nd. ed., by Roger Fisher, William Ury, and Bruce Patton. Copyright © 1981, 1991 by Roger Fisher and William Ury. Reprinted by permission of Houghton Mifflin Co. All rights reserved.

Inventing options for mutual gain involves openness and the ability to move from a view of positions to a view of interests. Figure 7.1 depicts the four basic steps in inventing options.

There are three basic points to consider when *using objective criteria* for negotiating:

- Frame each issue as a joint search for objective criteria (fair standards and fair procedures).

- Reason and be open to reason as to which standards are most appropriate and how they should be applied.
- Never yield to pressure, only to principle.

These basic points are clearly consistent with TQE. Point 3 in Chapter 3, discussed the importance of using statistical evidence of quality in decision making. It does not take a great leap of faith to see how objective criteria can be formed through statistical evidence and how statistics are objective criteria. Likewise, never yielding to pressure is akin to driving out fear. If you do not yield to the fear of what pressure can do to your needs and desires, you diminish the impact of fear as a tactic.

Sometimes the other side is more powerful and the differences between the parties too great to overcome in negotiations. Sometimes trying to negotiate while embracing the elements discussed does not work. As Fisher and Ury (1981) note, "No book on gardening can teach you to grow lilies in a desert or cactus in a swamp" (p. 101). When faced with a show of power that skillful, principled negotiations cannot overcome, they propose that the best you can do is, first, protect yourself against making an agreement that you should reject, and, second, make the most of the assets you do have so that any agreement reached will satisfy your interests as well as possible. Fisher and Ury call the measure for protecting yourself from accepting an agreement that you should reject and rejecting an agreement you should accept your "best alternative to a negotiated agreement" or BATNA. Having a BATNA allows you to know what is a minimally acceptable agreement. If that agreement cannot be met, rather than being railroaded into an agreement that does not serve your best interests and will likely severely damage relationships, offer your best alternative and then turn to the legal remedy of the impasse procedures of fact-finding and arbitration. A strike is rarely an acceptable BATNA. All parties typically lose, especially the client, in a strike. Relationships are seriously damaged, often for many years; credibility and trust are casualties of the strike, and barriers are erected. The idea of a BATNA is a good one; it may keep you from caving in and help keep options open for further discussion.

What can you do if the other side wants to engage in positional bargaining and you want to use principled bargaining? Fisher and Ury offer the following advice:

- When the other side sets forth their position, neither reject it nor accept it. Look for their interest that lies behind it. Treat their position as one possible solution.
- Instead of asking the other side to accept or reject your ideas, ask them what is wrong with the ideas.
- Ask questions and then remember to pause—questions generate answers. Silence is too little used; it is useful to be aware that it is hard to put your foot in your mouth when your mouth is closed.
- Question their tactics, not their personal integrity.
- Don't undermine credibility by making an extreme demand that both sides know will be abandoned.
- Yield to reason, not pressure.

The authors conclude with the following: "It is easier to defend principle than an illegitimate tactic" (p. 149).

A New Direction: Policy Trust Agreements

As teachers work toward achieving a more professional standing within our society, the union cannot remain narrowly partisan. It must be flexible and inclusive rather than exclusive. The industrial union model does not support the professional work roles sought by teacher leaders and others. As Amy Gutman (1987) notes:

> If the democratic ideal of professionalism suggests that school boards and principals treat teachers as partners in determining school policy, then it also suggests that unions demand fewer fixed policies regarding curriculum, discipline, and work schedules, and more participatory structures within which teachers can join administrators and members of school boards in shaping these policies. (pp. 83-84)

The call for reform of teacher unions has centered on several concepts. Shedd and Bacharach (1991) have envisioned a less adversarial union, one concerned less with preserving its own power. This new union would assume responsibility for the quality and quantity of its members' efforts: "Rather than negotiating rules that restrict flexibility, [the union] will look for ways to relax restrictions on both teachers and administrators" (p. 168). Johnson (1990) joins Shedd and Bacharach in recommending that the reliance on seniority in school assignments be relaxed to allow for a better fit of faculty members in the culture and direction of a school. Teacher unions must, like school districts, decentralize to allow restructured schools to shape their practice through variation and adaptation.

To achieve the reform agenda of professionalism, however, a union's reconceptualization of its function is not enough. The practice and structure of collective bargaining as conducted by unions and management must also change. This change could involve the elimination of collective bargaining, the transformation of collective bargaining, or the erection of a process parallel to it.

The first option, elimination of collective bargaining, clearly will not work. Collective bargaining is now institutionalized in many states, and it meets many of the legitimate needs of teachers. The second option, transformation of collective bargaining, is not very practical. As McDonnell and Pascal (1988) have found, unions must continue to secure those legitimate bread-and-butter issues for their membership. Any movement toward transforming collective bargaining that in any way diminishes the securing of those benefits will probably meet with stiff resistance from teachers.

This leaves the third alternative, the construction of a new process that does not threaten the bread-and-butter-achieving capacity of collective bargaining but allows for an expanded and more complex view of working conditions in education. This parallel process has been called by some *educational policy trust agreements*: "Where collective bargaining dealt with the 'bread-and-butter' terms and conditions of employment, trust agreements would revolve around professional problems of schools as organizations—problems of student achievement, school restructuring, staff and career development, and teacher evaluation" (Koppich & Kerchner, 1988, p. 24). Most collective bargaining in schools is aimed at the terms and conditions

of employment. When public sector bargaining laws embraced industrial unionism as its model, policy decisions were *de facto*, and in some cases *de jure*, placed in the hands of management. The school board could not bargain away the public's trust, or so the argument went. But the line between a teacher's implementation of policy and the creation/interpretation of policy is not as clear as it is in the manufacture of a car. Teachers are managers in every sense of the word. They are decision makers above all else that they do during the day, and the decisions they make are often context specific, not easily translated into the specifics of contract language more appropriate for laborers. The decisions involve policy interpretation and go to the core of what professionals do: exercise judgment in complex situations. The traditional bargaining line between management policy making and labor implementation is murky and confused in education, given the complexity of the teaching function and the plethora of goals for education. Teachers act as professionals but must bargain like laborers. Trust agreements may turn out to be the missing link between collective bargaining and a professionalized teaching force (see Table 7.3).

But what is an educational policy trust agreement? Kerchner and Mitchell (1988, pp. 247-248) suggest the following content and function for this new process:

- *Educational:* Trust agreements are intended to deal with a broad range of educational matters: What are student achievement goals? What freedoms and what flexibility should teachers expect? What level of care and dedication should schools and the students expect?
- *Policy:* The new agreements are intended to move well beyond work rules and terms of employment. As we have repeatedly argued, professional teachers must deal with school policy matters. They must help to shape the general goals and overall intent of the school, not just propose formal work rules.
- *Trust:* These agreements are trust agreements in both common senses of the term. Formally, they are related to the trust instruments used to control the use of property. Organizationally, they involve each side's holding "in trust" the judgments, desires, and wishes of the other.

TABLE 7.3 Comparing Contracts With Policy Trust Agreements

Contracts Establish	*Trust Agreements Establish*
Work rules that specify	Work goals that specify
required work activities for various tasks	purposes to be pursued and criteria for assessing progress
rights granted to individual workers	resources of time, money, and authority held in trust
Grievance procedures developed to	Execution procedures developed to
create procedures for hearing disputes	assign responsibilities for implementation of the agreement
assign authority for adjudicating disagreements	create trustees to resolve disagreements and ensure fair and full implementation

SOURCE: D. Mitchell, "Policy Trust Agreements: A Better Approach to School Labor Relations," *Thrust for Educational Leadership, 16,* 8-12. Copyright 1986 by the Association of California School Administrators. Reprinted by permission.

- *Agreement:* The set of educational policies that constitute the trust are explicitly negotiated agreements between organized teachers and school management, similar in this way to labor contracts. The agreements would have legal standing and could be adjudicated either through court review or through procedures developed by the parties.

New Client, New Quality

This new type of agreement brings some important changes to the way labor relations work in schools. It is assumed that the beneficiaries of the trust agreement are the students and the community, not necessarily the teachers or the school district. In Deming's terms, the client is being served by this type of an agreement. This is a distinct difference from collective bargaining agreements. Thus any remedies that are fashioned because one party is not living up to the agreement are aimed at fixing the program and making

progress toward the achievement of the agreement's goals, and not indemnifying the staff.

Another important change is the need for trust between parties. Whereas the collective bargaining process is often used when there is an absence of trust, policy agreements absolutely depend on a high degree of trust—fear is driven out with a trust agreement. "Negotiations take on a more conversational tone. Rules are more informal [and] information is shared freely between parties" (Koppich, 1993, p. 8). There are more committees and subcommittees developing proposals and massaging language than in traditional bargaining.

Policy trust agreements are finite in nature. They exist for a designated time period. Collective bargaining agreements are usually considered as remaining in full force and effect, even after their expiration, until successor agreements are negotiated. Policy trust agreements sit outside the contract. When they are coupled with the ability of schools to be granted waivers from specific contract provisions, flexibility and expanded professional roles for teaching may be achieved.

Examples of educational policy trust agreements are found in California, where the Stuart Foundation of San Francisco funded a 1-year experimental project. The California Federation of Teachers and the California School Boards Association jointly selected six districts to pilot the trust agreement concept. The topics for the agreements included (a) the development of a peer assistance and review program for new teachers and for experienced teachers who are at risk, (b) an elementary school faculty's development of an interdisciplinary literature-based reading program, (c) a performance evaluation system, and (d) a staff development system (Koppich & Kerchner, 1988). These areas all are indicative in a small way of the new wave of reform.

Increasing the professional stature and working conditions of educators and restructuring schools so that the important educational decisions are made closer to the point where the chalk hits the blackboard are important reform agenda items. The current system of collective bargaining cannot bring about such changes. The process must be altered so that reform can proceed. Collective bargaining has a place in the governance structure of our schools, but that place is bounded by the various constraints that give shape to its process. New processes must be found. Collegiality, trust, and respect must

be allowed to infuse the new direction. Collective bargaining, with its inherent duality of a conflict of interest and a community of interest, cannot deliver at this time. However, it should not be rashly discarded; it serves a legitimate purpose. That purpose, however, is not the enhancement of professionalism and the reforming of schools and the roles of educators within those schools. The collective bargaining process can be infused with the tenets of *Getting Together* and *Getting to Yes* to add the needed dimension of principled negotiations and securing the all-important relationship that exists beyond bargaining. Policy trust agreements can provide an alternative avenue to traditional bargaining for reaching those hard-to-get-at practices that make education a profession for teacher and administrator alike.

Key Terms and Concepts

Fact-finding. A step in the impasse process during which a neutral third party gathers information on the unresolved bargaining issues from management and labor and makes recommendations for a solution to break the deadlock of negotiations.

Impasse. The condition in which no progress is being made in collective bargaining and a stalemate is declared by either or both parties.

Interest arbitration. A process aimed at achieving a settlement of the terms and conditions of a new contract. It is a process conducted by an outside third party. In most states, the arbitrator can only make a recommendation on the terms of settlement.

Positional bargaining. A bargaining strategy in which a party decides the specifics of what it wants and then focuses on achieving those specifics, often to the exclusion of alternatives for attaining broader goals.

Rights arbitration. A method of settling disputes regarding interpretations of the contract whereby both parties submit their differences and positions to a neutral third party for a decision. Depending on whether the contract calls for advisory arbitration or binding

arbitration of grievances, the district may be required to implement the decision.

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Teacher Unions and TQE
Building Quality Labor Relations

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Union-management relations have been adversarial ones by definition. When teachers' unions and school districts square off against each other, students are the ultimate losers. This need not be the case. In schools that apply the principles of *Total Quality Education* (TQE), labor and management can agree to disagree while still maintaining a positive atmosphere of trust and mutual respect. Education doesn't have to take a backseat to contractual debate.

Teacher Unions and TQE begins with an overview of the educational labor movement and follows with an explanation of why traditional, industrial-style negotiations are unsuited to the academic workplace. Streshly and DeMitchell lead you through the application of Total Quality Management principles in union relations, the ins and outs of collective bargaining, and the transition of unionism.

Making Quality (with a capital *Q*) the central issue of labor relations is the single most important concept covered, and readers come away with a different attitude about employee relations. When teachers and administrators develop a system of open, nonthreatening communication, they soon learn to work together to reach common goals. The old, adversarial approach becomes a thing of the past, not just passé but anachronistic.

Bill Streshly and Todd DeMitchell offer readers the combined wisdom and insight of 35 years in school administration, much of it at the bargaining table. Their combined voices of experience provide school administrators, school board members, and union leaders with a useful guide to the complex world of school labor relations.

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